

1997

Red Barn Development, L.C. a Utah Limited Liability Company vs. Summit County a body corporate and politic of the State of Utah: Brief of Appellee

Utah Court of Appeals

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IN THE COURT OF APPEALS OF THE STATE OF UTAH

RED BARN DEVELOPMENT, L.C., a
Utah Limited Liability Company,

Plaintiff/Appellee,

vs.

SUMMIT COUNTY, a body corporate
and politic of the State of Utah,

Defendant/Appellant.

COURT OF APPEALS NO.
970615-CA

DISTRICT COURT NO.
970600092

ADDENDUM TO BRIEF OF APPELLEE RED BARN DEVELOPMENT, L.C.

APPEAL FROM THE THIRD JUDICIAL DISTRICT COURT
FOR SUMMIT COUNTY, STATE OF UTAH
THE HONORABLE PAT B. BRIAN, DISTRICT COURT JUDGE

PRIORITY CLASSIFICATION NO. 15

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ADDENDUM "A"

Snyderville Basin Development Code
Revisions and Amendments
Planning Commission Recommendation

SNYDERVILLE BASIN DEVELOPMENT CODE
REVISIONS AND AMENDMENTS
PLANNING COMMISSION RECOMMENDATION

MAY 10, 1994

DRAFT

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1.9 Decision-Making and Administrative Bodies.

(a) Board of County Commissioners ("BCC"). The ~~BCC~~Board of County Commissioners shall have the following powers and duties:

- (1) To ~~initiate, adopt and amend~~ the General Plan, the General Plan Land Use Map, and all Elements of the General Plan;
- (2) To initiate amendments to the text and map of this Code, ~~and the General Plan;~~ the General Plan Land Use Map and all Elements of the General Plan;
- (3) To hear, review and adopt amendments to the text of this Code~~these regulations~~;
- (4) To approve, deny or to amend and to approve~~grant~~ applications for development approval;
- (5) To approve, deny, or to amend and to approve~~grant~~ applications for conditional use permits ~~or~~and development agreements;
- (6) To render determinations regarding the existence, expansion, or modification of nonconforming uses and variances from the provisions of this Code if an applicant asserts that said applicant has been deprived of, or has been subject to, a taking of property without just compensation or asserts other invalidity by the passage of this Code;
- (7) To approve a consent agreement, exemption or vested rights determination in accordance with the procedures specified in the Administrative Guidelines adopted pursuant to this Code (all applications for consent agreements, exemptions or variances duly filed, prior to the effective date of this Code, pursuant to the Ordinance Nos. 201 and 202 shall be processed, notwithstanding the provision of this Code);
- (8) In the case of a dispute pertaining to the boundary of a land use category or zoning district, ~~the BCC shall have jurisdiction and authority to render interpretations of the General Plan Land Use Map or~~and ~~Zoning m~~Map, and/or disputes pertaining to lot lines, district boundary lines, or questions arising from the administration of the zoning ordinance use and bulk provisions;

(9) To designate and appoint an administrative official to decide routine and uncontested matters which otherwise would be heard by the Board of Adjustment; and

(10) To take such other action not expressly delegated to the Planning Commission as the ~~BCC~~Board of County Commissioners may deem desirable and necessary to implement the provisions of this Code and the General Plan.

(b) Planning Commission ("Commission").

(1) Creation: There is hereby established a Summit County Planning Commission ("Commission").

(2) Powers and Duties: The Commission shall ~~provide~~be an advisory ~~function~~body to assist the ~~Board of County Commissioners~~BCC in making decisions pertaining to amendments to the General Plan and this Code, and applications for development approval. In no event is the Commission authorized to render a final decision approving, denying or conditionally approving a change in this Code or in the ~~the zoning ordinance or~~ General Plan, or to render a final decision on an application for development approval. The Commission shall have the following powers and duties:

[a] To prepare or cause to be prepared a General Plan or element thereof and to submit the proposed General Plan or element to the ~~BCC~~Board of County Commissioners;

[b] To prepare or cause to be prepared amendments to the ~~General~~such ~~Plan~~ and elements thereof and to submit the ~~proposed~~ amendments to the ~~BCC~~Board of County Commissioners;

[c] To review and make recommendations to the ~~BCC~~with ~~Board of County Commissioners~~ in regard to amendments to the General Plan Land Use Map;

[d] To initiate, hear, review and make recommendations to the ~~BCC~~Board of County Commissioners on applications for amendments to the text or map of this Code;

[e] To hear, review and recommend approval or disapproval of all applications for subdivision, site plan, specific plan, phased and conditional use, development agreement, or master preliminary plan approval, in accordance with the rules and regulations established by the BCC~~Board of County Commissioners~~; and

[f] To adopt bylaws, policies, procedures and regulations for the conduct of its meetings, for the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission provided, however, that bylaws, policies, procedures and regulations shall be consistent with this Code and shall be approved by the BCC~~Board of County Commissioners~~ before taking effect.

(3) Qualifications for Membership: Members of the Commission shall have been residents of Summit County for one year prior to their appointment to the Commission.

(4) Membership: Appointment, Removal, Terms, and Vacancies.

[a] The Commission shall be composed of seven (7) members to be appointed by the BCC~~Board of County Commissioners~~. Each member of the BCC~~Board of County Commissioners~~ shall be authorized to submit names of candidates.

[b] The BCC may remove any member of the Commission for reasonable cause if written charges are filed against the Commission member by the BCC. The BCC shall provide the member with a public hearing, if requested.

[c] Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the BCC~~Board of County Commissioners~~.

[d] All members shall serve a term of three (3) years except that two (2) members shall be appointed for an initial term of one (1) year. No member shall serve more than three (3) consecutive terms.

[e] At an annual organizational meeting, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

[f] The chair, or in the chair's absence the vice-chair, shall administer oaths, shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

[g] If any member of the Commission shall fail to attend three (3) regular meetings of the Commission within any consecutive three-month period, the chair or the vice-chair, as the case may be, shall immediately file a notification of such nonattendance with the ~~BCCBoard of County Commissioners~~ for placement on the agenda of the ~~BCCBoard of County Commissioners~~. The ~~BCCBoard~~ may, by appropriate action, terminate the appointment of such ~~member~~person and fill the vacancy thereby created as soon as practicable.

(5) Recording Secretary: The Director ~~of the Department of Community Development~~ shall appoint a recording secretary to serve the Commission. The Recording Secretary shall keep minutes of all proceedings of the Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the Commission voting. ~~In addition, the~~ The Recording Secretary shall maintain all records of Commission meetings, hearings and proceedings, handle the correspondence of the Commission, and maintain a mailing list of persons and organizations ~~registered~~ to receive notices of meetings, agendas or minutes ~~and~~ who have paid an annual fee set by the ~~BCCBoard of County Commissioners~~ to ~~solely cover~~ copying and mailing costs ~~for receiving all notices and agendas~~.

(6) Staff: The Department of Community Development ("Department") shall be and serve as the professional staff of the Commission.

(7) Quorum and Necessary Vote: No meeting of the Commission may be called to order, nor may any business be transacted ~~by the commission,~~ without a quorum consisting of at least four (4) members of the ~~Ceommission~~ being present. The chair shall be ~~includedeonsidered~~ included for purposes of establishing a quorum and shall act as a voting member. All actions shall require the concurring vote of a majority of the members of the Commission then present and voting. If a general plan or land use regulation, requiring final approval of the BCC, or amendment thereto or other development approval has been duly submitted to the Commission, and the Commission has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action shall be deemed to be a negative recommendation and the Director shall submit the proposed land use regulation or amendment thereto or other development approval to the Board of County Commissioners for its consideration.

(8) Meetings, Hearings and Procedure:

[a] The Commission shall establish a regular meeting schedule by rule pursuant to Section 1.9(b)(2)[f] herein.

[b] Special meetings may be requested by the ~~BCCBoard of County Commissioners~~, the chair of the Commission, a majority of the members of the Commission, the Chair of the ~~BCCBoard of County Commissioners~~, or the Director ~~of Community Development~~.

~~[c][f]~~ If a matter is postponed due to lack of a quorum, the chair of the Commission shall continue the meeting to the next ~~eC~~Commission meeting. The ~~R~~Recording ~~S~~ecretary shall notify interested parties and all members of the Commission of the date of the continued meeting ~~and also shall notify all parties~~.

(c) Department of Community Development: The Department ~~of Community Development~~ shall perform the planning functions for the County and shall provide technical support and guidance for action on all General Plan, General Plan Land Use Map, General Plan Elementsplan and ~~Ceode~~ amendments and on applications for development approval and shall perform such other functions as may be requested by the ~~BCCBoard of County Commissioners~~ or the Commission or authorized by this Code.

(d) Director of Community Development ("Director"):

(1) Creation and Appointment: The Director ~~of Community Development~~ shall be the department head of the Department of Community Development and shall be selected by the BCC~~Board of County Commissioners~~.

(2) Jurisdiction, Authority and Duties: In addition to the jurisdiction, authority and duties which may be conferred upon the Director ~~of Community Development~~ by other provisions of this Code, the Director ~~of Community Development~~ shall have the following jurisdiction, authority and duties:

[a] To serve as staff to the BCC~~Board of County Commissioners~~, Commission and the Board of Adjustment and to inform such bodies of all facts and information at the Director's disposal.

[b] Whenever requested to do so by the BCC~~Board of County Commissioners~~, with the assistance of other County departments, to conduct or cause to be conducted surveys, investigations, and studies, and to prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested.

(3) Minimum Qualifications: The BCC~~Board of County Commissioners~~ may establish minimum academic and professional qualifications for the Director ~~of Community Development~~ as are necessary to adequately fulfill and carry out the responsibilities set forth in Section 1.9(d)(2) herein.

(e) Board of Adjustment ("BOA").

(1) Appointment: The BCC~~Board of County Commissioners~~ shall appoint a BOA ~~Board of Adjustment ("BOA")~~.

(2) Powers and Duties:

[a] The ~~Board of Adjustment~~ BOA shall hear and decide:

[1] appeals from final decisions applying the zoning

provisions of this Code which are not lodged with the ~~BCC~~Board of County Commissioners; and

[2] variances from the terms of the zoning provisions of this Code.

[b] The ~~Board of Adjustment~~ BOA shall not have power, jurisdiction or authority to consider any of the following:

[1] variances to the standards governing approval of subdivisions, site plans, levels of service, or conditional use permits; or

[2] amendments to the General Plan and any element or map thereof or any provision or map of this Code, including the permissible use of land within any Land Use Category or Zoning District.

(3) Qualifications for Membership: Members of the ~~Board of Adjustment~~ BOA shall be residents of Summit County, for one year prior to their appointment.

(4) Membership: Appointment, Removal, Terms, and Vacancies.

[a] The ~~Board of Adjustment~~ BOA shall be composed of five (5) members and three (3) alternate members to be appointed by the ~~BCC~~Board of County Commissioners.

[b] Members of the BOA may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the ~~BCC~~Board of County Commissioners.

[c] All members shall serve a term of three (3) years except that two (2) members shall be appointed for an initial term of one (1) year. No member shall serve more than three (3) consecutive terms.

[d] The BCC may remove any member of the ~~Board of Adjustment~~ BOA for reasonable cause if written charges are filed

against the member. The BCC shall provide the member with a public hearing if requested upon such written charges.

[e] At an annual organizational meeting, the members of the ~~Board of Adjustment~~ BOA shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

[f] The presiding officer of any meeting of the ~~commission~~ BOA shall administer oaths, shall be in charge of all proceedings before the ~~commission~~ BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the ~~commission~~ BOA.

[g] If any member of the ~~Board of Adjustment~~ BOA shall fail to attend three ~~consecutive~~ (3) regular meetings of the ~~commission~~ BOA within any consecutive three-month period, such failure shall constitute sufficient grounds for termination of the member's appointment. The chair or the vice-chair, as the case may be, shall immediately file a notification of such nonattendance with the ~~BCC Board of County Commissioners~~ for placement on the agenda of the ~~BCC Board of County Commissioners~~; and ~~the BCC Board of County Commissioners shall~~, by appropriate action, terminate the appointment of such person and fill the vacancy thereby created as soon as practicable.

(5) Recording Secretary: The Director ~~of the Department of Community Development~~ shall appoint a recording secretary to serve the ~~Board of Adjustment~~ BOA. The Recording Secretary shall keep minutes of all proceedings of the ~~Board of Adjustment~~ BOA which minutes shall be a summary of all proceedings before the ~~Board of Adjustment~~ BOA, attested to by a majority of the members of the ~~Board of Adjustment~~ BOA voting. ~~In addition, the~~ The Recording Secretary shall maintain all records of ~~Board of Adjustment~~ BOA meetings, hearings and proceedings, handle the correspondence of the ~~Board of Adjustment~~ BOA, and maintain a mailing list of persons and organizations registering to receive notices of meetings, agendas or minutes and who have paid an annual fee set by

the ~~BCC~~Board of County Commissioners to cover solely the cost of copying and mailing costs.

(6) Staff: The Department of Community Development shall be and serve as the professional staff of the ~~Board of Adjustment~~ BOA.

(7) Quorum and Necessary Vote: No meeting of the ~~Board of Adjustment~~ BOA may be called to order, nor may any business be transacted by the ~~Board of Adjustment~~, without a quorum consisting of at least three (3) members of the ~~commission~~ BOA being present. The chair shall be ~~includedeonsidered~~ included for purposes of establishing a quorum and shall act as a voting member. All actions shall require the concurring vote of a majority of the members of the ~~Board of Adjustment~~ BOA then present and voting; provided, however, that in order to reverse any order, requirement, decision or determination of the Director or any other administrative official or agency or to decide in favor of the appellant, there must be a concurring vote of four (4) members of the BOA.

(8) Meetings, Hearings and Procedure:

[a] Regular meetings of the ~~Board of Adjustment~~ BOA shall be held not less frequently than once per every month.

[b] Special meetings may be called by a majority of the members of the ~~Board of Adjustment~~ BOA, the BCC, the Director, or the Chair of the BCC.

~~[c]~~[b] Hearings pertaining to variances may be held at the discretion of the ~~Board of Adjustment~~ BOA at a site which is close to the property involved.

[d] If a matter is postponed due to lack of a quorum or for other reasons, the chair of the BOA shall continue the meeting to the next regular meeting. ~~In the case of delays caused by other reasons, the hearing shall be rescheduled to the next regular meeting. The recording secretary shall notify all members of the date of the continued meeting and also shall notify all interested parties who appeared at the first hearing.~~

1.11 Variances.

(a) General. Where the ~~applicable decisionmaking body~~ BOA finds that unreasonable hardships may result from strict compliance with the provisions of this Code, it may approve variances to this Code so that substantial justice may be done and the public interest secured, provided that the variance shall not have the effect of nullifying the intent and purpose of this Code.

(b) Standards.

(1) The ~~decisionmaking body~~ BOA shall not approve a variance unless it shall make findings based upon the evidence presented to it in each specific case that all of the following provisions apply:

[a] Literal enforcement of the zoning provisions of this Code would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning provisions. The ~~decisionmaking body~~ BOA shall not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought, and is peculiar to the property rather than conditions general to the neighborhood. No finding of unreasonable hardship shall be made if the alleged hardship is self-imposed or solely economic.

[b] There are special circumstances attached to the property that do not generally apply to other properties in the same district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges granted to other properties in the same district.

[c] The variance is essential to the enjoyment of a substantial property right possessed by other property in the district.

[d] The granting of the variance will not substantially affect the goals, objectives, policies, standards or strategies of the ~~general plan~~ General Plan ~~or~~ and will not be contrary to the public interest;

[e] The spirit of the ~~zoning and planning~~ provisions of this Code will be observed and substantial justice done.

~~(2) The BCC may consider a variance from the provisions of this Code if an applicant asserts that said applicant has been deprived of, or has been subject to, a taking of property without just compensation or asserts other invalidity by the passage of this Code, or if the BCC approves a consent agreement, exemption, vested rights determination in accordance with the procedures specified in the Administrative Guidelines adopted pursuant to this Code. All applications for consent agreements, exemptions or variances duly filed, prior to the effective date of this Code, pursuant to the Ordinance Nos. 201 and 202 shall be processed, notwithstanding the provision of this Code.~~

(c) Conditions. In approving variances the ~~decisionmaking body~~ BOA may require such conditions as will, in its judgment, mitigate any harmful effects of the variance and secure substantially the purposes of this Code.

(d) ~~No decisionmaking body may~~ The BOA and any other body may not grant use variances, ~~except to the extent necessary to comply with the provisions of Section 1.11(b)(2) hereof.~~

(e) Procedures. A petition for a variance may be submitted in writing by the owner or developer at any time. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(f) No petition for judicial review may be filed unless and until the applicant has exhausted all manner of relief and ~~procedures~~processes as are provided herein and in this Code.

CHAPTER 2 - DEFINITIONS

2.1 Usage.

- (a) For the purpose of this Code, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Chapter 2.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

2.2 Words and Terms Defined.

Abandon or abandonment - To leave, desert, or discontinue a use for a period of at least ~~six~~ (6) months.

- 1. Accessory - refers to a minor use or structure which is clearly subordinate to a principal use or structure which has been issued a permit under this Code; includes signs.

Accessory use - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use. No additional dwelling unit built on the lot either attached or separate from the principal unit without a conditional use permit authorizing such use shall be considered an accessory use.

Addition - Any walled or roofed expansion of a building connected to an existing building by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls in new construction.

- 2. Adjacent - all properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

Adult Day Care - An establishment providing continuous care and supervision for three (3) or more adults for at least 4 but less than 24 hours a day, and which meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational and related support services in a protective setting.

Adverse impact - Any potential or actual effect (impact) that is or may be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interferes with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct effects or impacts.

3. Aggrieved Person - the County, ~~through~~ the Commission, the BCC, ~~or~~ the Director; ~~the City of Park City~~ Municipal Corporation within an area designated as a joint ~~plan~~ planning area; applicants; ~~and~~ persons, businesses, corporations, institutions, governments or other entities owning property or residing within one-thousand (1,000) feet ~~from~~ of the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to Utah law.

Agriculture - An establishment devoted to the tilling of the soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses, and including such uses as crop farms, dairy farms, livestock farms, poultry farms, general farms, pasture, horticulture, apiaries, horse farms, and similar uses. Agriculture includes agricultural support housing, which means and refers to the occupancy of any dwelling unit by the owner of an establishment for which the primary use is agriculture, or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Agricultural Sales and Service - An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural services with incidental storage on lots other than where the service is rendered. Typical uses include hay, feed and grain stores, agriculture processing facilities, husbandry.

Alter or Alteration - To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

Amortization - A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Antenna - A device for sending and/or receiving radio, television, or similar communication signals.

Apartment House - A multiple dwelling; see Dwelling, Multi-Unit.

Appliance Store - An establishment primarily engaged in the retail sale of household appliances, radio or television supplies, or music supplies. Typical uses include establishments providing the following products or services: electric irons; percolators; hot plates; vacuum cleaners; radios; television sets; electric and gas appliances for household use; air-conditioning units; freezers; garbage disposers; kitchen appliances including ranges, stoves and refrigerators; sewing machines; phonographs; tape recorders; video cameras and recorders; computers and computer software.

4. Applicant - the property owner, or ~~duly designated~~authorized agent of the property owner who files an application for development approval pursuant to this Code.

5. Application for Development Approval or Application - any written request for approval or issuance of a development order or development permit, including but not limited to General Plan or Development Code ~~Text or Map changes~~amendments, subdivision plats, phased and master preliminary subdivision plats, building and development permits, variances, administrative relief and appeals, site plans, specific plans, and conditional use permits.

6. Attached Residential Building - a building containing dwelling units, each of which has individual primary ground floor access to the outside and each of which are attached to ~~each other~~one another by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

7. Authorized Agent - any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

Automotive and Equipment Services - An establishment primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types: automobile sales, automobile rentals, automobile washing, automotive repair services, commercial off-street parking, equipment repair services, equipment sales, service stations, and vehicle storage.

Automotive Repair Services - An establishment primarily engaged in the repair of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

Automotive Sales - An establishment primarily engaged in the sale or rental of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including

incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

8. Available Capacity - a determination (1) that a public facility has sufficient capacity to accommodate the needs of existing committed and projected users in accordance with ~~Policy 16.4~~the policies of the Land Use Element of the General Plan, and (2) that the public facility will be available within a reasonable period of time following issuance of a development order for a proposed development. For purposes of this Code, the capacity provided by a public facility shall be considered "available" if such facility is in existence or is a planned capital improvement.

9. BCC - the Board of County Commissioners of Summit County, Utah.

10. BOA - the Board of Adjustment of Summit County, Utah.

Bar - An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, night clubs, private liquor clubs and saloons.

Base Area Lift - Any passenger tramway which skiers ordinarily use without first using some other passenger tramway.

Basement - That portion of a building having its floor subgrade (below ground level) on any side.

Bed and Breakfast Inn - An establishment in which two to eight rooms are rented for overnight lodging to travelers, and where one or more meals is provided to the guests only, the price of which may be included in the room rate.

Berm - A man-made mound of earth contoured so as to form a mound above the general elevation of the adjacent ground or surface and used to shield and buffer various land uses.

Billboard - a freestanding sign used, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property on which the sign is located.

Boundary line - A delineation that indicates or defines limits between differing areas.

Buffer - A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

11. Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory - a building or structure which is subordinate to, and the use of which is incidental to, that of the principal building, structure or use on the same lot.

Building Area - The portion of a lot which is within the envelope formed by the required yards or setbacks.

Building Frontage - That side of a building which faces and is parallel to or most nearly parallel to a public or private road.

12. Building height - a vertical distance from curb level, or its equivalent, opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

Building Maintenance Services - An establishment primarily engaged in the provision of maintenance and custodial services to firms or dwelling units. Typical uses include exterminating services, disinfecting services, janitorial services, landscape maintenance, or window cleaning services.

13. Building Official - an employee of the County authorized to issue ~~B~~building ~~P~~permits and Certificates of Occupancy and to ~~generally~~ assist in the administration of this Code.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.

Building Sign - Any sign attached to and supported by a wall of a building or a wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building, shall be considered a building sign and shall be treated in the same manner.

Building Site - That part of a parcel of land designed to be occupied by the principal building and any accessory buildings.

14. Bulk - the size and shape of buildings, structures, and non-building uses; and the physical

relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

Business Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

Business Support Service - An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by, or the provision of services to, office, professional and service establishments rather than individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, and establishments providing the following services: consumer credit; direct mail; blueprint and photocopying; stenography services; news syndication; employment services; research and development or testing; trading stamp promotion and sales; and motion picture distribution.

Camp - An establishment used to provide indoor and outdoor activities including, but not limited to, sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. When incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

Camping Site - A space designed or promoted for the purpose of locating a trailer, tent, tent trailer, pickup camper, or other similar device used for land-based portable housing.

Canopy - A roof-like cover that is nonpermanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Canopy Sign - A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

15. Capacity - means the maximum demand that can be accommodated by a public facility

without exceeding the Adopted Level of Service.

16. Capital Improvement - an existing public facility with a life expectancy of three or more years, ~~to be owned and/or operated by or on behalf of the County, a special district, a public entity~~ or a private service provider.

17. Capital Improvement, Planned - a capital improvement which does not presently exist, but which is included within a capital improvement program or capital budget of ~~the~~ a public entity or private service provider and to which funding has been committed pursuant to a currently available revenue source.

18. Capital Improvements Program - a plan, organized ~~setting forth~~, by category of public facilities, including those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas or impact areas ~~for such public facilities~~ over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

Car Wash - An establishment primarily engaged in the washing and cleaning of passenger or recreational vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means.

Cemetery - The use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

19. Central Water System - a public or private water company formed to serve development ~~that includes~~ and which provides water treatment and distribution facilities.

20. Certify - whenever this Code requires that an agency or official to certify the existence of ~~some~~ fact or circumstance, such certification may be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

Change of Use - Any use which substantially differs from the previous use of a building or land, i.e., the previous use is in a different zoning district, as defined in this Code, than the proposed use.

Child Day Care - A facility which provides for the continuous care and supervision for a fee for

four or more children under 14 years of age in lieu of care ordinarily provided by parents in their own homes for at least four but less than 24 hours a day. "Child day care" does not mean care provided to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts.

Church - An institution that persons regularly attend to participate in religious services, meetings, and other related activities.

Cleaner - An establishment primarily engaged in providing the following services: pressing and finishing, dry cleaning, tailoring, or clothing repair or alteration.

Clothing Store - An establishment primarily engaged in the retail sale of apparel and clothing.

21. Cluster - a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, other open space and for preservation of environmentally-sensitive and open-spacecritical areas.

22. Code - the Snyderville Basin Development Code, as amended.

23. Commercial Uses - Retail business and service establishment, professional and governmental offices, and developed recreational uses.

24. Commission - refers to the Summit County Planning Commission, the appointment and duties of which are provided for in Section 17-27-204 et seq. of the Utah Code and Section 1.9(b) of this Code.

25. Common Ownership - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockowner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

26. Committed Development - proposed developments which have not yet been completed, but which have received a building permit or subdivision or site plan approval.

Communications Service - An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as major utility facilities. Typical uses include television, film, or sound recording studios, telecommunication service centers, and telegraph service offices.

Communications Tower - A structure intended for transmitting or receiving television, radio, or telephone communications.

Community Center - A building used for recreational, social, educational or cultural activities, usually owned and operated by a public or nonprofit group or agency.

Compatibility - The ability to locate new land uses beside existing land uses without causing adverse impacts.

27. Concurrency - Requirement that ~~development~~ applications for development permits demonstrate that adequate public facilities beare available at prescribed levels of service concurrent with the impact or occupancy of the development units.

28. Condominium - any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act, ~~—This includes whether for~~ residential, non-residential, and any other space use.

Conforming Sign - A sign that is existing as of January 14, 1993 which complies with the standards set forth in this subsection.

29. Consistent - an amendment to the Snyderville Basin Development Code, or to a development order or development permit, shall be deemed "consistent" with the General Plan only if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities set forth in the General Plan and if it meets all other criteria enumerated in the General Plan. The term "compatible with" means that the Code amendment, development order or development permit is not in conflict with the General Plan. The term "further" means to take action in the direction of realizing the goals, objectives and policies of the General Plan.

30. Construction Plan - the maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the BCC as a condition of the approval of the plat or site plan.

Construction Sales and Service - An establishment primarily engaged in construction activities and incidental storage on lots other than construction sites; retail or wholesale sale of materials used in the construction of buildings; the wholesale sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include building material stores, tool and equipment rental or sales, or building contractors.

Contract Construction Service - An establishment providing services relating to the maintenance or repair of domestic dwellings, including plumbing/heating/air conditioning, painting, electrical services, masonry, carpentry, roofing/sheet metal, concrete services, and well drilling.

Convenience Store - A retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of more than 3,000 square feet.

Country Club - A facility providing land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

31. County - refers to Summit County, Utah.

32. Coverage - the percentage of a development site devoted to impervious surfaces.

33. Crest of Hill - the highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

34. Critical Areas - critical areas as described in Section§ 5.3 herein.

Cultural Activity - A facility providing nature exhibitions, libraries, museums, art galleries, botanical gardens, historic sites or similar uses displaying, preserving, and exhibiting objects, of community and cultural interest in one or more of the arts and sciences.

35. Currently Available Revenue Sources - an existing source or amount of revenue presently available to a public entity ~~the County or private service provider~~ that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement. The phrase "currently available revenue source" shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

Custom Manufacturing - An establishment primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding 8 kilowatts, and the incidental direct sale to customers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturing.

Day Treatment - A facility providing specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical

dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service.

Dedication - The legal transference of land without sale by a property owner to a public agency.

Deed Restriction - A restraint on the use of land, usually set forth in the deed, which runs with the land and is binding upon subsequent owners of the property.

36. Density - the number of dwelling units per acre with respect to residential land uses.

37. Department - the Summit County Department of Community Development.

Department Store - A retail establishment with at least 40,000 square feet of gross floor area and offering a wide variety of merchandise and services, usually organized in separate departments.

38. Developer - The owner or authorized agent of land proposed to be subdivided or developed ~~or its authorized agent~~ who is responsible for any undertaking that requires review and/or approval ~~under~~pursuant to this Code.

39. Development or Development Activity - any of the following activities requiring a permit ~~under~~pursuant to this Code:

(a) Change in use.

(b) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.

(c) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.

(d) Erection of a permanent sign.

(e) Alteration of a historic property for which authorization is required under this Code.

(f) Any activity increasing the need for parking.

(g) Construction, elimination or alteration of a driveway onto a public road.

40. Development Agreement - an agreement between the developer and the County pursuant to Section 4.11 herein.

41. Development of County Impact or DCI - a proposed development which, because of the nature of its proposed use, size, or other considerations, as defined in Appendix A, will impact the entire Snyderville Basin and which therefore requires special review.

42. Development Order - any action granting, denying, or granting with conditions, an application for a development permit.

43. Development Permit - any building permit; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning; or any other official action of the County or any ~~other~~-state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the geographic area subject to the provisions of this Code.

Directional Sign - A sign which serves as a directional guide through or to areas, events, buildings or structures and contain no advertising copy and is less than six square feet in area and not over four feet in height.

44. Director - the Director of the Summit County Department of Community Development or ~~his~~authorized designee.

Dwelling Unit - One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.
a building occupied by one (1) or more persons living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

Dwelling, Multi-family - A building or portion thereof designed for occupancy by three (3) or more families in separate dwelling units.

Dwelling, Single-Family - A building designed for occupancy by one (1) family, including manufactured or modular homes in conformance with the provisions of this Code.

Dwelling, Single-Family Detached - A Single-Family Dwelling consisting of a single detached building containing one dwelling unit located on a lot containing no other dwelling units.

Dwelling, Two-Family - A building designed for occupancy by two (2) families in separate

dwelling units.

Dwelling, Two-Family, Attached Vertically - A building containing two dwelling units attached vertically, each of which has primary ground floor access to the outside.

Dwelling, Two-Family, Attached Horizontally - A building containing two dwelling units attached side to side, each one sharing a single party wall or common wall, and each of which has primary ground floor access to the outside.

Educational Services, Private - A facility providing instruction which does not secure the major part of its funding from a governmental agency, including nursery schools, primary schools, secondary schools, business/stenography schools, barber/beauty schools, art/music schools, dance schools, driving schools, correspondence schools, and similar uses.

Equipment Sales - An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

Equivalent dwelling unit - For purposes of computing the number of families per acre permitted by this chapter and Chapter 5, any room or rooms not provided with cooking facilities occupied by four (4) persons within a rooming house, rest home or any dwelling, however styled, shall be considered equivalent to a dwelling unit. For residential units with cooking facilities and non-residential uses, the utilization of space in such a manner as to generate 9.55 average vehicle trip ends on a weekday, as determined by the Institute of Transportation Engineers, *Trip Generation* (5th Ed. 1991), which is hereby incorporated by reference as if set forth in its entirety herein, shall be considered an equivalent dwelling unit.

45. Equivalent Residential Unit or "ERU" - the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one (1) residential dwelling unit.

Exterminating Service - An establishment providing services related to the eradication and control of rodents, insects, or other pests.

46. External Buffer - A vegetated area along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

Family - A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

47. ~~Family owned Tracts~~ ~~tracts or parcels meeting that:~~

(a) ~~are at least forty (40) acres in size; and~~

(b) ~~which have remained under ownership by the members of the same family for a period of not less than twenty (20) years, excluding transfers by devise or bequest, lineal descendants and descendants by marriage. For purposes of this subsection, "members of the same family" shall mean and refer to family members within the first or second degree of consanguinity or affinity from the predecessor in interest of the current owner.~~

Farm - An area of not less than ten (10) contiguous acres which is used for the commercial production of farm crops such as vegetables, fruit trees, cotton, grain and other crops and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep and swine for commercial purposes. The term "farm" includes the operating of such an area for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce, provided that the operation of any such accessory use is secondary to that of the farm activities, and provided further that the farm activities do not include commercial pen feeding or commercial feed lots or the commercial feeding of garbage or offal to swine or other animals.

Farm and Garden Supply Store - An establishment primarily engaged in the retail sale of hay, grains, feeds, trees, shrubs, seeds, bulbs, mulches, sod, lawn or power mowers, soil conditioners, fertilizers, pesticides, garden tools, and other supplies for the maintenance of farms, gardens or lawns.

Feed Lot, Commercial - A facility for feeding or handling livestock in whole or in part for a fee for fees paid to the operator or owners for the accommodations, materials and services received.

Fence - A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

48. Final Site Plan - the map of a proposed development to be filed after approval by the BCC and any accompanying material as described in this Code.

49. Final Subdivision Plat - The map of a subdivision to be recorded after approval by the BCC and any accompanying material as described in this Code.

Financial Institution - An establishment engaged in the business of lending money and/or guaranteeing loans.

Financial Services - An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers loan and lending activities.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

50. Floor Area - the sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts, and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

51. Floor area ratio - the ratio of the total floor area of all stories of all buildings on a site to the total lot area.

Food Processing - An establishment in which foods, grains, or raw materials are processed or otherwise prepared for human consumption, including dairy manufacturing, canning and preserving foods, grain milling, bakery products and beverage manufacturing.

Foot-candle - The illumination shed by one (1) candle on one (1) square foot at a distance of one (1) foot.

Fraternal Organization - A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

Freestanding Sign - Any type of sign which is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or which is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.

51A. Freeway - a road devoted entirely to the movement of large volumes of high speed traffic over relatively long distance with little or no land service function. Freeways are multilane, divided roadways with limited access interchanges, and few at-grade interchanges.

Freight and Packing Service - An establishment primarily engaged in furnishing shipping services and acting as an agent in arranging transportation for freight and cargo, including:

1. freight forwarders which undertake the transportation of goods from the shippers to receivers for a charge covering the entire transportation and, in turn, make use of the services of other transportation establishments in effecting delivery;
2. freight handling facilities, which contain terminals capable of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck and to air; and
3. substantially similar types of uses.

Funeral Service - An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home or mortuaries.

Furniture Store - An establishment primarily engaged in the retail sale of furniture and furniture accessories. Typical uses include establishments providing the following products: furniture, floor coverings (including carpet), draperies, curtains, upholstery, china, glassware, metalware, and fireplace screens and accessories.

Garage, Private - A detached accessory building, or a portion of a principal building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

Garage, Public (Commercial) - A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor vehicles.

52. General Plan - a comprehensive plan for development of the County pursuant to Sections 17-27-301 through 17-27-305 of the Utah Code, and including any part of such plan separately

adopted and any amendment to such plan, or parts thereof. For purposes of this Code, "General Plan" shall include the Snyderville Basin General Plan and all specific elements including, but not limited to, the Land Use Element, Environmental and Open Space Element, and Transportation and Circulation Element.

General Warehousing and Distribution - An establishment offering storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.

Golf Course - A tract of land laid out for at least nine holes for playing the game of golf and improved with trees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Governmental Service - An establishment primarily engaged in the provision of services by governmental or public agencies, including the County, a city, and state or federal agencies, but not including redevelopment projects. Typical uses include public administrative offices, animal shelters, maintenance facilities, and similar services.

Grade -

1. For buildings having walls adjoining one (1) road only, the elevation of the sidewalk at the center of the wall adjoining the road, or if there is no sidewalk, then the elevation of the roadway at the center of the wall adjoining the road.
2. For buildings having walls adjoining more than one (1) road, the average of the elevation of the sidewalk at the centers of all walls adjoining the roads, or if there are no sidewalks, then the average of the elevation of the roadway at the centers of all walls adjoining the road.
3. For buildings having no walls adjoining the road, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

Group Home - A dwelling shared by four or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible. As used herein, the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; 2) a record of having such impairment; or 3) being regarded

as having such an impairment. The term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include residential facilities for the handicapped, residential facilities for the elderly, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Hardware Store - An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Health Care Facility - General acute hospitals, specialty hospitals, home health agencies, hospices, nursing care facilities, residential health care facilities, birthing centers, ambulatory surgical facilities, small health care facilities, facilities owned or operated by health maintenance organizations, and any other health care facility as defined by the Utah Health Care Facility Licensure and Inspection Act, Utah Code § 26-1-2. Health care facility does not include the offices of private physicians or dentists, whether for individual or group practice.

Height of Sign - "Height of sign," for a freestanding sign, means the vertical distance measured from natural grade to the highest point of the sign or sign structure; and for a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

Home Occupation - Any occupation or profession customarily conducted entirely within a dwelling unit and carried on solely by a member or members of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes, which does not change the character thereof, which has no employees other than a member of the immediate family residing in the dwelling unit, and in which no mechanical equipment is used except for that which is customarily used for domestic, hobby, or household purposes.

53. ~~Home occupation~~ see Appendix C.

54. Home Owners Association - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

Hospital - An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, emergency treatment facilities, diagnostic services, out-patient facilities, training facilities, medical offices, or staff residences.

Hospital Services, Limited - An establishment providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to out-patients, employees or visitors. Limited hospital services do not include hospitals or sanitarium/rest homes.

Hotel - An establishment containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, but not including lock-outs or boarding houses.

Human Services Program - A youth program or a facility or program that provides secure treatment, inpatient treatment, residential treatment, residential support, outpatient treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, domestic violence treatment, child placing services, or driving under the influence-educational services.

55. Impact Area - the area within which a proposed development is presumed to create a demand for public facilities and which area, therefore, will be evaluated to determine whether the capacity of public facilities is adequate to accommodate the demand created by existing development, committed development and the proposed development pursuant to this Code. The impact areas for specific public facilities are as follows:

55.1 Water Facilities: the official service area of the central water system or other entity providing water to the proposed development, as defined by the Utah Department of Environmental Quality, Utah Public Service Commission, or other official documentation.

55.2 Sanitary Sewer Facilities: the service area of the Snyderville Basin Sewer Improvement District.

55.3 Road Facilities:

(a) Arterial Roads: County-wide (overall) and by impacted roadway segments as determined in the traffic impact analysis submitted by the Applicant and approved by the County.

(b) Collector Roads and Local Roads: the area, including roads and intersections, within which a proposed development generates traffic of at least 10 trips per day or, if the proposed development generates traffic of less than 10 trips per day, the area extending to the first road segment or segments on the Major Roadway Network in each direction from the exterior boundaries of the proposed development on which traffic generated by the proposed development is expected to occur.

55.3 Fire Protection - the service area of the Park City Fire Service District.

55.4 Schools - the service area of the Park City School District.

56. Impact Fee - the ~~impact-fee~~, connection fee, user fee or other fee or charge imposed by the County or other service ~~provision entity including, but not limited to, the Snyderville Basin Sewer Improvement District and Park City Fire District~~ provider, to defray the pro rata share of capital costs for public facilities needed to serve a proposed development. For purposes of this Code, the "system capacity fee" charged by the Snyderville Basin Sewer Improvement District shall be considered an impact fee.

57. Impervious surfaces - includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, decks and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as roads, curbs and gutters, walks, parking lots and loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.

57A. Improvement Agreement - a contract entered into by the applicant and the BCC on behalf of the County by which the applicant promises to complete the required public improvements within the area of a proposed subdivision or site plan or other project subject to a development permit or order within a specified time period following final subdivision plat, site plan approval.

Indoor Entertainment - An establishment providing entertainment or recreational activities within an enclosed building, including motion picture theaters, live theaters, roller skating, bowling, planetaria, ice skating and similar uses.

Industrial Laundry Service - An establishment primarily engaged in cleaning, laundering or dry cleaning of work uniforms and related work clothing, mats and rugs, dust control items, wiping towels, linen, carpet, diaper services, and upholstery.

58. Industrial uses - storage, processing, and shipping of agricultural or timber products;

minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products.

In-Home Baby-Sitting - The provision of child day care for fewer than four children.

59. Institutional uses - churches, schools, hospitals, residential care facilities, and other public or quasi-public uses.

60. Intensity - the number of square feet of development per acre by land use type with respect to non-residential land uses.

Jewelry Store - An establishment primarily engaged in the retail sale of jewelry and related goods or merchandise.

61. Land Use Category - the applicable land use categories as set forth in the Land Use Element of the General Plan, as follows:

- Critical/Sensitive Lands
- Country Side
- East Canyon Creek Conservancy Corridor
- Enhancement Corridors
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Special Residential
- Neighborhood Commercial
- Service Commercial
- Community Commercial
- Resort Commercial
- ~~Community Commercial~~
- Light Industrial

Laundromat - An establishment within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals doing their own laundry and dry cleaning. Laundromat does not include outdoor drying facilities.

62. Legislative Action - a general plan, zoning ordinance, or any other ordinance establishing or amending the General Plan or this Code.

63. Level of ~~s~~Service - an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Level of Service indicates the capacity per unit of demand for each public facility.

64. Level of Service, Adopted - the Level of Service (LOS) Policies adopted in Goal 16, ~~Policy 16.1 of~~ the Snyderville Basin General Plan, as the same may be amended from time to time, which is incorporated by reference as if set forth in its entirety herein.

Liftway - The necessary right-of-way, both surface and air space, for the operation of any passenger passenger tramway covered by this Code.

Liftway Setback - The minimum allowable distance between the side line of the liftway and any structure.

Light Manufacturing - An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light manufacturing includes the manufacturing of the following items and similar goods: professional instruments, photographic equipment, watches/clocks, jewelry/silverware, musical instruments, toys/sporting goods, office supplies, and costume/jewelry.

Limited Warehousing and Distribution - An establishment offering wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, self-service storage facilities, and moving and storage firms.

Loading and Unloading Spaces - A permanently maintained space on the same lot as the principal building with access to a road and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

Logging Camp - An establishment engaged in cutting down trees for commercial purposes, including transportation to a sawmill. A "logging camp" does not include cutting or alteration of trees incidental to construction activities.

65. Lot - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units.

Lot Area - The area of a horizontal plane within the lot lines of a lot.

Lot, Corner - A lot which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) road lines. A lot abutting upon a curved road is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.

Lot Coverage - The percentage of the area of a lot which is occupied by all buildings, and other covered structures and impervious surfaces.

Lot Depth - For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot, Interior - A lot other than a corner lot.

Lot Line - Any line defining the boundaries of a lot.

Lot Line, Front - The boundary of a lot which separates the lot from the road. In the case of the corner lot, the front lot line is the shorter of the two (2) lot lines separating the lot from the road except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line but not both.

Lot Line, Rear - The boundary of a lot which is most distant from, and is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot Line, Side - The boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Summit County prior to August 1, 1977. "Lot of record" does not include any subsequent conveyance which divides the lot into two or more parcels without a duly approved resubdivision.

Lot, Through - A lot having a pair of opposite lot lines abutting two (2) roads, and which is not

a corner lot. On such lot, both lot lines abutting such roads are front lot lines, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

Lot Width - For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a road, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the road or street chord; and for lots on the inside of the curve of a road, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the road.

Lumber Yard - An establishment which contains facilities for the sawing, loading or storage of lumber or timber, but not including industrial milling or planing operations.

65A. Major Permit - a development permit that is not a minor permit as defined in this Section.

66. Major roads - refers to Interstate 80 and its frontage roads, and to U.S. Highway 40, and to State Highways 224 and 248.

67. Major Roadway Network - the system of arterial roads and collector roads identified on the Major Roadway Network of the Transportation Element of the General ~~Plan~~ Plan, which is incorporated by reference as if set forth in full herein.

Manufactured Home - A multi-sectional mobile home not exceeding two (2) stories in height and manufactured after June 15, 1976, which is subject to and complies with the federal manufactured home construction and safety standards (42 U.S.C. § 5403), that when joined forms a residence for human occupancy that measures twenty (20) feet by forty (40) feet or larger and is designed to be installed on a permanent foundation system which can be a permanent foundation wall.

68. Master Preliminary Plan - that portion of a preliminary plat or preliminary site plan submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of this ~~ordinance~~ Code for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

Medical Laboratory - An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

Medical Research Facility - An establishment primarily engaged in commercial or noncommercial physical and biological research and development for the medical profession.

Mining Operation - An establishment engaged in activities conducted below the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.

69. Minor Permit - ~~an application for development approval~~ a development permit authorizing proposing the development of any of the following:

69.1 ~~all~~ new single lot or single unit residential uses on a ~~parcels of not less~~ greater than forty (40) acres in a site located outside of a ~~and not within a~~ platted or recorded subdivision;

69.2 a new home occupations;

69.3 the conversion of an existing building or structure from its current or previous use to a new or substantially different type of activity or use, or a revision or amendment to an approved development permit, which

- (a) does not significantly ~~intensify~~ increase vehicular traffic;
- (b) does not significantly increase the demand for parking;
- (c) does not intensify the ~~likelihood~~ likelihood of pedestrian and vehicular conflicts;
- (d) does not create unsightly conditions including, but not limited to, unscreened storage;
- (e) does not intensify noise levels or odors;
- (f) does not create dust and dirt conditions;
- (g) does not intensify lighting and glare conditions; and
- (h) does not create a sudden change in privacy for adjacent property owners;

provided, however, that any change in use which does not meet all of the criteria set forth in subsections (a) through (h) of subsection 2.2.69.3 herein shall require a major permit;

69.4 All temporary sales uses and temporary structures or other temporary activities.

69.5 All auxiliary uses to utilities ~~requiring a building permit~~ and extension of utility lines.

69.6 All single lot or single unit residential uses on existing parcels that would otherwise be rendered unbuildable pursuant to the density restrictions of Section 5.13 herein.

69.7 Temporary signs.

69.8 Accessory uses, including Secondary Living Units.

70. Minor Subdivision - Any subdivision containing not more than three (3) lots fronting on an existing road, not involving any new road, or the extension of public facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan or the Code.

71. Mixed Use Development or Mixed Use Project - a proposed development that includes primary non-residential and primary residential uses on the same development site.

Mixed use retail-residential structure - A structure in which retail uses permitted in a zoning district authorizing mixed use retail residential structures are located on the first floor, and in which residential uses permitted in the zoning district are located above the retail uses.

Mobile Home - A movable or portable unit, other than a building over thirty-three (33) feet in length and twelve (12) feet or more in width, designed and constructed for conveyance on roads and highways on its own chassis or on flatbed or other trailers, and designed and constructed to be installed with or without a permanent foundation for human occupancy as a residence which may include one (1) or more components that can be retracted for towing or transporting purposes and subsequently expanded for additional capacity, or two (2) or more such units separately towable or transportable but designed to be joined into one (1) integral unit, except that it does not include recreation vehicles as defined by this ordinance.

Mobile Home Park or Manufactured Home Park - A parcel of land upon which two (2) or more mobile or manufactured homes are occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations, and in which each mobile home or manufactured home is located on an individual lot in the park or subdivision.

Mobile Home Subdivision or Manufactured Home Subdivision - A subdivision designed and

intended for residential use where residence is in mobile homes or manufactured homes exclusively.

Model Home - A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

Modular Home - A dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of two sections transported to the site in manner similar to a mobile home, or on a series of panels or room sections transported on a truck and erected or joined together on the site, except that the modular home meets the Uniform Building Code.

Motel - An establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

Motion Picture Production - A facility primarily engaged in the production or distribution of motion pictures, films or video tapes for exhibition or sale, including theater and film sets, studios, casting bureaus, processing laboratories, and other apparatus utilized for purposes of motion picture, film or video tape production.

~~72. Mobile home see Appendix D.~~

Nature Garden - An establishment primarily engaged in the operation of arboreta, botanical or zoological gardens, animal exhibits, or similar activities.

Nature Preserve - An areas in which human activities are very limited and where the natural environment is protected from man-made changes.

~~73. Neighborhood commercial see Appendix B.~~

74. Net density or Net Intensity - the density or intensity based upon the clustered area of ~~an tract a proposed development~~ subject to an application for development approval, which is determined by dividing total permissible dwelling units or square footage of floor area, including additional density or intensity permitted pursuant to an open space bonus, transfer of development rights, or other density bonus; by the number of net acres of the a proposed

development.

75. Net acres - the total number of acres subject to an application for development approval excluding the following:

75.1 all areas meeting the definition of Critical Areas as defined in Section 5.3 herein; and

75.2 all areas rendered unbuildable by the permitting requirements, legislation or regulations of state or federal agencies including, but not limited to, a permit for the deposit of dredged or fill material in waters of the United States pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344; and

75.3 all open space areas set aside by the applicant.

Non-conforming Sign - A sign that is legally existing or approved on or before January 14, 1993, which does not comply with the applicable standards set forth in this Chapter (see Section 3.9(a)).

76. Non-conforming use - a use of land that:

(a) legally existed before its current zoning district or land use category designation; and

(b) has been maintained continuously since the time the applicable regulations governing the land changed; and

(c) because of subsequent changes, does not now conform to this Code or to the General Plan provisions that now govern use and development of the land.

77. Non-point source - Generalized discharge of waste which cannot be located as to a specific source into a water body.

Nursery, Greenhouse - A place in which plants are raised for experimental purposes, for transplanting, or for sale.

Nursing Home - An establishment described also as a "rest home," or "convalescent home," other than a hospital, in which persons are lodged and furnished with care rather than diagnoses and treatment.

78. Off-Site - Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

79. Open Space - means and refers to the following:

(a) Active open space, or any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds, and trails; and

(b) Passive open space, or areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized ~~or~~ and more program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, enhancement areas, nature trails, ~~and~~ nature study, and view areas.

(c) Critical areas, sensitive areas, roadway areas including rights of way, parking lots, ~~and~~ lawns, setback areas or other undisturbed portions of building lots shall not constitute open space.

Open Storage - The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Outdoor Recreation - An area used primarily for recreational activities occurring in an outdoor, unenclosed area, including amusement parks, fairgrounds, mini golf, driving ranges, drive-in theatres, and similar uses.

Outside Display - The keeping of goods, merchandise or vehicles in an uncovered area measuring less than five-hundred (500) square feet, for a period of less than 24 hours, for purposes of sale.

Overhead Lines - All bare or insulated electrical conductors installed above the ground.

Park and Recreation Services - Playgrounds, athletic areas, play lots, playgrounds, play fields.

and recreation centers available to the general public and under the management or control of a public agency.

Parking Lot - An unenclosed area, other than a road or right-of-way, devoted to parking spaces for four or more motor vehicles.

Parking Lot, Commercial - A parking lot used for the parking of automobiles for compensation.

Parking Space - An area maintained for the parking or storage of a motor vehicle, which is graded for proper drainage and is hard surfaced or porous paved.

Parking Structure - A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

Passenger Tramway - A device used to transport passengers uphill on skis, or in cars on tracks, or suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans. "Passenger tramway" includes the following devices:

1. Two-car aerial passenger tramway, a device used to transport passengers in two open or enclosed cars attached to, and suspended from, a moving wire rope or attached to a moving wire rope and supported on a standing wire rope, or similar devices.
2. Multi-car aerial passenger tramway, a device used to transport passengers in several open or enclosed cars attached to, and suspended from, a moving wire rope or attached to a moving wire rope and supported on a standing wire rope, or similar devices;
3. Funicular, a device in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable, or similar device.
4. Chair lift, a type of transportation on which passengers are carried on chairs suspended in the air and attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans, or similar devices;
5. I-bar, T-bar, or platter pull, so-called, and similar types of devices or means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans.

6. Rope tow, a type of transportation which pulls the skier riding on skis as the skier grasps the rope manually, or similar devices.

Pedestrian-Oriented Sign - A permanent, non-illuminated sign with an area less than six square feet on any one side, and not over eight feet above ground level.

80. Person - any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

Personal Improvement Service - An establishment primarily engaged in offering courses and services for the enhancement of personal recreational interests, business skills, and similar activities including vocational schools, dance schools, art schools, automobile driving instruction, continuing education programs, drama schools, public speaking programs, and similar activities.

Personal Service - An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include laundromats and barber and beauty shops.

Pet Services - An establishment providing retail sales, veterinary services, grooming, and boarding services, operated totally within a building, for dogs, cats, birds, fish and other small domestic animals customarily owned as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but excluding uses for livestock and large animals.

81. Phased Subdivision Application or Phased Site Plan Application - an application for subdivision or site plan approval in which the applicant proposes to immediately subdivide ~~or develop~~ the entire property but will develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

Photography Studio - An establishment primarily engaged in still or video portrait photography for the general public, but which do not include photofinishing laboratories or processing equipment on site.

Photofinishing Laboratory, Retail - An establishment primarily engaged in developing film and

in making photographic prints and enlargements for the general public.

Photofinishing Laboratory, Commercial/Industrial - An establishment primarily engaged in developing film and in making photographic prints and enlargements for other commercial, industrial, service or retail businesses.

82. Plat - the legal map of a subdivision.

83. Point Source - Any discernible confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, ~~discrete~~, fissure, ~~contained~~ container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Political Sign - A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Portable Sign - Any sign not permanently affixed to the ground or a building.

84. Preliminary Plat - the preliminary drawing or drawings, described in ~~the~~ this Code, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for a recommendation and to the BCC for approval.

85. Preliminary Site Plan - the preliminary drawing or drawings, described in the Code, indicating the proposed manner or layout of a proposed non-residential, attached residential or mixed use development to be submitted to the ~~Planning~~ Commission for a recommendation and the to BCC for approval.

Prime Farmland - The same as prescribed by the United States Department of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics.

Principal Use - The main use of land or a building (as distinguished from an accessory use).

Printing and Publishing Facility - An establishment devoted to the processing, binding, or distribution of reading materials including newspaper/periodical/book publishing, commercial printing, business forms, greeting card manufacturing, book-binding, printing/typesetting and similar uses.

86. Private utilities - includes power, telephone, natural gas, cable television and private water supply service.

87. Public Facilities - Facilities ~~determined to be capable of supporting and servicing the physical area and designated intensity of the proposed~~ needed to support development as determined by the BCC based upon the Adopted Levels of Service adopted in Policy 16.1 of the Land Use Element of the General Plan, as the same may be amended from time to time, ~~which is incorporated by reference as if set forth in its entirety herein.~~ "Public Facilities" include but are not limited to the following:

- (a) Transportation facilities, including roads, highways, and intersections;
- (b) Central water systems, including water quality, water treatment and storage capacity, and transmission/distribution system capacity;
- (c) Sanitary sewer systems, including treatment facilities, interceptors and outfall sewers, and lateral and collector sewers or, if the applicant is not within the service area of the Snyderville Basin Sewer Improvement District, septic systems;
- (d) School facilities, including classrooms, laboratories, shops, study halls, and physical education facilities designed for student instruction, excluding spaces too small for intended use, spaces with undesirable environmental conditions that cannot be corrected, approved rental space, libraries or stages used as classrooms, or any other spaces declared unsuitable by the State Fire Marshal;
- (e) Fire Protection and Suppression, including fire stations, ~~and~~ fire equipment, ~~including~~ trucks, hoses, and other apparatus necessary for the suppression of fires; and
- (f) Stormwater Management facilities, including man-made structures or natural systems designed to collect, convey, hold, divert or discharge stormwater, and including stormwater sewers, canals, detention structures, and retention structures.

Professional Office - An establishment primarily used as the place of employment by persons such as accountants, architects, artists, advertising professionals, business consultants, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

Projecting Sign - A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of a wall and is counted as part of the total

sign area allowed for building signs or free standing signs, as applicable.

Public Assemblies - Areas where large numbers of individuals collect to participate in or to observe performances, programs of participation, including amphitheaters, auditoriums, exhibition halls and similar uses.

Quasi-Public Use - A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

88. Reasonable Notice - in accordance with the provisions of Section 17-27-103(2), the County shall be deemed to have given "reasonable notice" if-~~it~~:

(a) it posts notice of the public hearing or public meeting in at least three public places within the County and publishes notice of the hearing or meeting in a newspaper of general circulation in the County; or

(b) it gives actual notice of the hearing or meeting.

Recreation, Commercial - A recreation facility operated as a business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, equestrian center, skating rink, or substantially similar use, and support facilities customarily associated with the development.

Recreation, Private - A recreation facility operated on private property and not open to the public, including recreation facilities owned by a home owner or property owners association for private use by members.

Recreation, Public - A recreation facility operated by a public agency and open to the public with or without a fee.

Recreational vehicle - any trailer, camper, van or similar vehicle less than 9 feet wide and 35 feet long used or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes.

89. Recreation vehicle - ~~see Appendix E.~~ any trailer, camper, van or similar vehicle less than nine (9) feet wide and thirty-five (35) feet long used or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes.

Recreational vehicle park - an area or tract of land used to accommodate 2 or more recreation vehicles for short periods of time.

Recycling Center - A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

Repair Services, Consumer - An establishment primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment services. Typical uses include appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

Residential Facility for Elderly Persons - A single-family dwelling unit or multi-family dwelling unit which:

1. Does not operate as a business provided, however, that a facility shall not be considered a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility; and
2. Is owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and
3. Is consistent with the requirements of Chapter 3 herein; and
4. Is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement.

The term "residential facility for elderly persons" does not include a health care facility.

Residential Facility for Handicapped Persons - A single-family dwelling unit or multi-family dwelling unit which:

1. Is occupied on a 24-hour-per-day basis for 8 or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager; and
2. Conforms to all applicable standards and requirements of the Utah Department of Human Services; and

3. Is operated by or operated under contract with the Utah Department of Human Services.

Residential Treatment - A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, development, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

Resort - A facility for transient guests where the primary attraction is generally recreational facilities or activities, including dude ranches, health resorts, ski resorts, and hunting/fishing clubs.

Resource Extraction - The on-site extraction of surface or sub-surface mineral products or natural resources, including metal mines, surface coal mining operations, mine exploration, quarries, borrow pits, sand and gravel operations, oil and gas extraction, ore loading, and other resource production and extraction activities, but not including processing services. The term "resource extraction" includes those activities conducted on or below the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and ancillary activities such as on-site transportation, concentrating, milling, evaporation, and other primary processing.

Restaurant, Fast Food - An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant - A building in which food is prepared and served for consumption within the premises. Typical uses include buffets; cafes; cafeterias; caterers; coffee shops; dairy bars; diners; dining rooms; dinner theaters; fast food restaurants; food bars; frozen custard, ice cream and yogurt stores; luncheonettes; pizza parlors and pizzerias; sandwich bars; and snack shops.

Restaurant, Drive-in, or Drive-up Window - A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

Restrictive Covenant - A contract between two (2) or more parties usually specifying limitations

or obligations related to the use of property.

Retail Sales, Community - An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use serving the immediate or surrounding neighborhood. Typical uses include apparel stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, or specialty items; fabrics; cameras or photography services; household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, or office supplies; and bicycles. The term "Community Retail Sales" does not include department stores.

Retail Sales, Food - Establishments, including a groceries or substantially similar establishments, in which the primary use is the sale of foods to the consumer, including meat/fish, fruits/vegetables, candy/nuts, dairy products, bakery items, and other foods.

Retail Sales, General - An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use, but excluding those classified more specifically in this section. Typical uses include furniture stores, but including mail order houses, limited price variety stores, vending machine operators, direct sales, dry goods and general merchandise, and general stores or establishments providing the following products or services: home furnishings and appliances, wallpaper, carpeting and floor-covering, or automotive parts and accessories (excluding service and installation). General retail sales does not include department stores.

Retention - The collection and storage of runoff without subsequent discharge to surface waters.

90. Ridgeline - an area including the crest of a hill or slope and a vertical, perpendicular distance of one-hundred and fifty (150) feet on either side of the crest.

Riding Academy - An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing may be offered and where horses may be hired for riding.

Right-of-Way - Land acquired and owned by a governmental agency or public utility and reserved for public use.

91. Road - a collector road, local road, freeway or arterial road.

92. Road, Arterial - ~~an arterial road which is identified as an arterial on the Major Roadway~~

Network - a road which brings traffic to and from freeways and serves major movements of traffic within or through areas that are not served by freeways. Arterials interconnect and provide direct access to the principal traffic generators within the County, such as business offices and retail centers.

93. Road, Collector - a road which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs; ~~and which is identified as a collector on Major Roadway Network.~~

94. Road Link - a section of the Major Roadway Network defined by a node at each end.

94A. Road, Local - a road having the sole function of providing access to adjacent land and which is designed to feed traffic onto collector roads.

Roof Sign - A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are building signs; however, they may not extend vertically above the top of the mansard.

Rooming House - An establishment in which rental sleeping accommodations are provided.

Satellite Dish Antenna - All antennas which receive audio and/or video satellite signals.

1. Mesh-Type Satellite Dish Antenna. An antenna which is constructed of a screen-type or perforated material that does not substantially impair visibility, and is designed to minimize wind resistance.

2. Roof-Mounted Satellite Dish Antenna. An antenna which is wholly located upon and permanently affixed to the roof of any structure.

3. Ground-Mounted Satellite Dish Antenna. An antenna which is installed upon or otherwise attached to a pole or other supporting structure embedded in the ground.

Satellite Receiving Station - any apparatus or device which is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based uses including, but not limited to, satellite earth stations, satellite microwave antennas, TVRO's or dish antennas, but not including conventional television antennae.

Sawmill - An establishment in which logs are sawed or planed into boards.

School, Public - Any school owned or operated by a public local school district and offering instruction at the elementary, middle or senior high school levels. A private educational service providing instruction at the elementary, middle or senior high school levels in the same manner as a public local school district shall be considered a "public school" for purposes of Section 3.6 of this Code.

Scrap and Salvage Service - An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.

Secondary Living Quarters - Areas within main dwellings which are used by the property owner or primary tenant as dwellings for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest, or similar users.

Self-Service Storage Facility - An establishment consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies. (See Limited Warehousing and Distribution).

Secure Treatment - A facility providing 24-hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.

95. Sensitive Areas - Critical Areas, slopes exceeding 15%, critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the General Plan.

96. Service Commercial - This use is intended to allow a range of service commercial and industrial uses limited by the performance standards or policies contained in Chapter 5. Uses such as office and research parks, and uses normally associated with residential areas (e.g. recreation center, beauty shop), that will broaden Summit County's economic base and provide year-around employment.

96A. Service Provider - A public or private entity providing public facilities or private utility services to a proposed development.

Service Station - An establishment in which gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy

automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback - The distance between a lot line and the front, side, or rear line of a building or any projection thereof, excluding uncovered steps or roof eaves.

Shopping Center - A group of two (2) or more commercial establishments or functional units which are planned, built, and managed as one development with off-street parking provided on the property.

Sight Triangle - A triangular-shaped portion of land established at road intersections-in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

Sign - Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

Definitions of particular functional, locational, and structural types of signs are listed below-

1. Animated sign. A sign that uses movement or change of lighting to depict action or create a special effect or scene.

2. Banner. A mounted piece of cloth, fabric or other nonrigid material displaying or not displaying an emblem, insignia, motto, slogan or other message. Examples of banners include, but are not limited to, streamers, bunting, pennants, ensigns and standards which are not included under the definition of flag.

3. Bench Sign. A sign painted or otherwise on or attached to a bench which uses the bench as an advertising platform.

4. Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.

5. Identification Sign. An off-premises sign erected to identify the location and name of a place, building, or structure which otherwise would have no means of identification.

6. Illuminated Sign. A sign which has copy artificially illuminated, internally or externally, whether the illumination source is attached or remote. Examples of illuminated signs include-

a. Reflective Sign. The sign itself is neither lighted internally, nor has an external source of light specifically directed at it, but depends on the general illumination of the area, e.g., parking lot, traffic, or pedestrian areas for its illumination.

b. Internally Illuminated Sign. A sign made of translucent material with an internal source of light.

c. Back-Lit Sign. A sign consisting of a letter(s) and/or design(s) raised above the sign's background with an internal lighting source installed that illuminates the background making the letter(s)/design(s) in silhouette.

d. Spot-Lit Sign. A sign illuminated by spotlights that have sign illumination as their sole purpose.

Sign Area - The area of a sign shall include the sum of all display areas within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, rectangle, triangle, circle, or semicircle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, rectangle, or triangle. Any two-sided sign where the sides are no more than 36 inches apart, or the interior angle between the two sides of faces is 45 degrees or less, and which are visually identical shall only count one of the two sides as sign area.

Sign Copy - Sign copy shall include advertising message, announcement, declaration, display, illumination, insignia, lettering, logos or other types of any writing, emblem, figure or character.

97. ~~Sign/s~~ any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected

~~images. Signs do not include the flag or emblem of any nation, organization of nations, or state OR merchandise and pictures or models of projects or services incorporated in a window display, point of purchase advertising displays such as product dispensers or drive up menu boards, legal notices required by law, (such as collection containers for charity, self help programs, and phone booths), lettering painted on or magnetically flush mounted on a motor vehicle operating in the normal course of business, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational, and structural types of signs may be found in Table 1.~~

98. Site Plan - a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures, ~~and signs, lighting, and screening devices~~; (3) the location of building pads for all residential and non-residential buildings; and (4) ~~and the~~ location and extent of all external buffers from surrounding areas.

99. Sketch Plan - a sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) ~~to enable the subdivider to save time and expense in reaching general agreement with the BCC as to the form of the plat and the objectives of the Code.~~

Ski area - All ski slopes or trails and other places under the control of a ski area operator and administered as a single enterprise.

Ski Slopes or Trails - Areas designated to be used for the purpose of skiing or for the purpose of sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or any other device. Such designation shall be set forth on trail maps provided with an application for development approval and designated by signs indicating same to the skiing public.

Special Event - A nonrepeating occurrence having a duration of no longer than one (1) thirty (30)-day period specifically called to commemorate, initiate, finalize, advertise, or otherwise recognize a nonroutine happening. Examples of special events include- grand openings; going out of business sales; sporting events, concerts, fairs, or any public, charitable, educational or religious event or function.

100. Specific Plan - a document encompassing a specific geographic area of the County which is prepared for the purpose of specifically implementing the General Plan by (1) refining the policies of the General Plan to a specific geographic area; and (2) containing specific

recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service standards required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

Stable, Commercial - An establishment for boarding, breeding or raising of horses not owned by the occupants of the premises, or rental of horses for riding by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables, and other buildings or lands where animals are kept for remuneration, hire, sale, boarding, riding or show.

Stable, Private - A building incidental to an existing principal residential use, that shelters animals for the exclusive use of the occupants of the premises.

Standards - Specific measurements of the quantity or quality of various elements of development.

Stockyards - An establishment offering services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards, animal sales, and auction yards.

Story - That portion of a building located above finished grade, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

Street Furniture - Man-made items such as benches, kiosks, plants and planters, shelters, phone booths, light poles or trash receptacles added to pedestrian or vehicular areas.

Streetscape - The combination of all elements of a pedestrian or vehicular area, including street furniture, landscaping, sidewalks, lights, and signs, and the relationship of these elements to adjacent buildings.

101. Strip Development - a form of non-residential development characterized by the following:

(a) ~~the~~ primary uses which are commercial or retail in nature and which are not located ~~within~~ a transportation corridor node or center designated in the Land Use Element of the General Plan; ~~and~~

(b) ~~the~~ development site which takes direct access from an arterial or

collector road; ~~and~~

(c) ~~the~~ site contains ing parking located above ground level and lying between the accessed roadway and the primary buildings; and

(d) ~~the~~ site ~~is characterized by~~ with substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

Structure - A combination of materials to form a construction for use, installed on, above, or below the surface of land or water including a walled and roofed building, as well as a manufactured home on a permanent foundation. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

102. Structure - that which is built or constructed, an edifice or building of any kind, or any ~~piece of work~~ construction artificially built up or composed of parts joined together in some definite manner.

103. Subdivide - the act or process of creating a subdivision.

104. Subdivider - any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

105. Subdivision - any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. "Subdivision" does not include

a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes.

106. Subdivision Agent - any person who represents, or acts for or on behalf of, a subdivider or developer or property owner, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

~~107. Subdivision Improvement Agreement - a contract entered into by the applicant and the BCC on behalf of the municipality by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.~~

108. Subdivision Plat - the final map or drawing, described in this Code, of a plan of subdivision to be presented to the BCC for approval ~~and which, if approved, may be submitted to the Summit County Recorder for filing.~~

Subsurface Drainage - The piping, grading, and other construction associated with the removal of ground water from under roadway or runway surfaces designed to maintain firm, stable subgrades and structure foundations; and to reduce saturation of back fill behind retaining walls.

Support Commercial Facilities - A commercial use which is located on the site of a master planned development, and oriented toward the internal circulation of the development, for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the master planned development. No use occupying more than 2,000 gross square feet of floor area will be considered as support commercial.

Surface Mining Operations (see "resource extraction") - The areas upon which the following activities occur or where such activities disturb the natural land surface: excavation for the purpose of obtaining coal, including such methods as contour, strip, auger, mountaintop removal box cut, open pit, and area mining; the uses of explosive and blasting; and the in situ distillation and retorting, leaching, or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site. "Surface Mining Operations" includes any adjacent land the use of which is incidental to the activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of the activities and for haulage and excavations, working, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailing, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface resulting from or incident

to the activities.

Tavern - An establishment in which the principal business is the sale of alcoholic beverages for consumption on the premises.

109. Temporary - not to exceed a period of one (1) year.

Temporary Signs - A sign which is not intended to be displayed for more than one year. Temporary signs shall include be are not limited to the following: real estate sale and rent signs, political signs, yard or garage sale signs, open house signs and special event signs.

Theater - An establishment primarily engaged in the presentation of plays, motion pictures, or other dramatic performances.

Timeshare Development - An enterprise that has as its primary purpose the offering of a timeshare interest. "Timeshare interest" means a right to occupy accommodations during three or more separate time periods over a period of at least three years, including renewal options, whether or not coupled with an estate in land, and including what is commonly known as a "timeshare estate," which is a small undivided fractional fee interest in real property by which the purchaser does not receive any right to use accommodations except as provided by contract, declaration, or other instrument defining a legal right.

~~110. Time share see Appendix F.~~

111. Total Permissible Dwelling Units or Square Footage - the total density or intensity of a project computed pursuant to Section 5.9(a).

Townhouse - A building with three or more single-family structures separated by party walls or common walls, each of which has primary ground floor access to the outside.

Transfer of Development Rights - A development technique which allows a land owner to separate the rights to develop his land from the land itself and to transfer those rights to other land.

1. Sending Zone. An area of land (zone) from which existing development rights may be separated and conveyed to other property (receiving zone).

2. Receiving Zone. An area of land (zone) to which additional development rights may be conveyed from the sending zone.

Trip - A single- or one-way vehicle movement (see "trip end").

Trip End - The origin or destination of a trip. Each trip has two (2) ends which constitute a two (2)-direction vehicle movement at the origin or destination of the trip.

Trip Generation - The total number of trip ends produced by a specific land use or activity.

Truckstop - An establishment providing gasoline sales and services combined with facilities providing retail food and toiletry sales, and facilities for showering and personal hygiene.

112. UDOT - Utah State Department of Transportation; the agency which maintains State Highways.

~~113. Use/s - the occupancy of any land or building, that is the purpose to which it is being put.~~

Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Utility Facilities, Local - Minor utility structures, such as lines and poles, which are necessary to support principal development.

Utility Facilities, Major - The provision of generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities.

Vacation - The waiving of the use of an easement or the ownership and use of a right-of-way by a public or private agency or the vacation, alteration or divestment of a subdivision plat pursuant to § 4.7(d) of this Code.

114. Use Variance - a variance as to the permissible use of land, ~~including a variance that in effect grants a development permit.~~

Vehicle Storage - An establishment offering long term storage of operating or non-operating motor vehicles, including storage of private parking tow-aways, and impound yards, but excluding dismantling or salvage operations.

Water Drainage Features - Natural or artificial standing water bodies, wetlands, retention/detention areas, streams, and ditches which receive and/or convey stormwater runoff.

Watercourse - Surface stream, creek, brook, branch, depression, reservoir, lake, pond, or

drainageway in or into which stormwater runoff flows.

Warehousing and Distribution - An establishment primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants, including Limited Warehousing and Distribution and General Warehousing and Distribution.

115. Wetland - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the *Corps of Engineers Wetlands Delineation Manual* (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service. Wetlands shall be classified as "high value," "moderate value" or "low value" as designated in the document prepared for the Environmental Protection Agency, Region VIII and the United States Army Corps of Engineers entitled *Wetlands of the Snyderville Basin: Snyderville Basin Advance Identification Study and Wetland Functional Assessment Interpretative Report* (May 1991), which is incorporated by reference as if set forth in its entirety herein.

Wholesale Trade - An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Xeriscape - A method of landscaping using native vegetation and other drought-resistant plants designed for low maintenance and to conserve water.

Yard - An open area between buildings, structures, or uses and the adjoining lot line, which is unoccupied and unobstructed by any building structure or use from the ground up except as otherwise provided in this Code.

116. Zoning District - A mapped area to which a uniform set of regulations applies as set forth in Chapter 3 herein, which districts are coterminous with, and which are designed to implement, the Land Use Categories of the Snyderville Basin General Plan Land Use Element.

Zoning With Compensation - Zoning which forbids the continuation of an existing non-conforming use or a vested authorized principal or conditional use or parts of such use upon payment of just compensation for the degree of use restriction imposed, as in an eminent domain proceeding.

CHAPTER 3 - ZONING DISTRICTS

3.1 Districts Established

(a) Base districts. In accordance with the requirement of U.C.A. Section 17-27-405 of the Utah Code that zoning regulations be by districts, the Snyderville Basin, as shown on the maps accompanying the Snyderville Basin General Plan and this Code, ~~is established as the Snyderville Basin Zoning District, within which the uniform regulations of this Code apply to all development.~~ is hereby divided into the following zoning district which shall be governed by all of the uniform use and area requirements of this Code, the respective symbol for each type of district being set forth opposite its title:

Critical/Sensitive Lands (SL)

Country Side (CS)

Agriculture (A)

East Canyon Creek Conservancy Corridor ~~(EC)~~ (ECC)

Enhancement Corridor (EN)

Low Density Residential (LDR)

Medium Density Residential (MDR)

High Density Residential (HDR)

Special Residential (SR)

Neighborhood Commercial (NC)

Service Commercial (SC)

Community Commercial (CC)

Resort Commercial (RC)

Light Industrial (LI)

(b) Purposes of the Residential and Non-Residential Zoning District.

(1) Critical/Sensitive Lands (SL). 1 unit per 40 acres. The SL Zoning District is designed to accommodate proposed uses which create no significant impacts on, or which are needed for the cultivation of, the environmental resources of the SL zoning district including, but not limited to, steep hillsides (over 30%), wetlands, ridgelines, and flood plains. Uses may include agriculture, livestock grazing, and recreational amenities.

(2) Country Side (CS). 1 unit per 40 acres. The CS Zoning District

is designated to accommodate proposed uses which preserve view corridors and a sense of openness including agricultural activities, recreation, and single family residential development.

(3) Low Density Residential (LDR). 1 unit per 5 acres. The LDR Zoning District is designed to accommodate low density developments with substantial open space to provide protection and preservation of wetlands, stream corridors, flood plains, ridgelines, wildlife habitat, view corridors, hillsides and aesthetic attributes. The cluster of dwelling units away from sensitive lands is encouraged in order to protect environmentally sensitive areas and to decrease infrastructure costs.

(4) Medium Density Residential (MDR). 1 unit per acre. The MDR Zoning District is designed to accommodate and encourage clustered, residential master planned developments to establish a desirable residential environment with interconnected open space amenities to conserve stream corridors, view sheds, and ridgelines, as well as development of complementing a Snyderville Basin trail and open space system.

(5) High Density Residential (HDR). 5 units per acre. HDR Zoning District is designed to accommodate a variety of housing types, with proximity to schools, shopping areas, transportation nodes, and major recreational facilities. This district can also be used as a transitional area between commercial uses and lower density residential areas.

(6) Neighborhood Commercial (NC). The NC Zoning District is designed to accommodate a limited range of commercial uses, compatible with, and oriented to meeting the shopping needs of the residents in adjacent neighborhoods.

(7) Community Commercial (CC). The CC Zoning District is designed to accommodate general retail centers providing for general retail uses, services and recreation-oriented commercial uses intended to serve the County as a whole; professional office centers including technology and research parks; and centers for non-manufacturing employment purposes.

~~(7)~~(8) Resort Commercial (RC). The RC Zoning District is designed to accommodate retail commercial and high-density residential uses oriented to major destination resort developments including resort retail shops.

grocery stores, restaurants, condominiums, overnight lodging units and comparable resort facilities and services.

~~(9) Community Commercial (CC). The CC Zoning District is designed to accommodate general retail centers providing for general retail uses, services and recreation oriented commercial uses intended to serve the County as a whole; professional office centers including technology and research parks; and centers for non-manufacturing employment purposes.~~

(9) Service Commercial (SC). The SC Zoning District is designed to accomodate limited commercial uses serving the community, such as auto repair and service, business support services, financial services, health care services, personal services, professional offices, repair services, veterinary clinics, and business or vocational schools.

(10) Light Industrial (LI). The LI Zoning District is designed to accommodate research and development, light industries, manufacturing, distribution, storage, fabrication, assembly and servicing which will not create traffic hazards, noise, dust, fumes, odors, smoke, vapor, vibration, glare or industrial waste disposal problems. Professional office centers and neighborhood commercial centers shall may be allowed in the Light Industrial Use areas.

~~(11) East Canyon Creek Conservancy Corridor (ECC). The ECC Zoning District is designed to restore and preserve a 300' wide corridor throughout the Snyderville Basin to East Canyon Reservoir, with East Canyon Creek as its centerline. All proposed developmenets along the Conservancy Corridor should participate in this restoration program~~

~~(12) Enhancement Corridor (EN). The EN Zoning District is designed to preserve the important landscape features and aesthetics qualities found along the entrances to the Snyderville Basin. The minimum width of the corridor on each side of the highway shall be 100 feet measured from the highway right-of-way line with the maximum width determined by site specific analysis.~~

(c) Overlay Districts. The EC and EN zoning districts shall be designated and mapped as overlay districts.

(1) For Zoning Districts adjacent to the EN overlay zones, the District shall include all areas within the EN District to the centerline of the road or right-of-way or, if such District lies on both sides of such right-of-way, said District shall include all areas within EN District and the right-of-way.

(2) For Zoning Districts adjacent to the ECC overlay zones, the District shall include all areas within the ECC Zoning District to the center line of the East Canyon Creek or, if such District lies on both sides of East Canyon Creek, said District shall include all areas within the ECC Zoning District and the right-of-way.

3.2 Effect of Snyderville Basin General Plan.

(a) ~~The Snyderville Basin Zoning District~~ Any of the regulations imposed in the zoning districts created by this Chapter of the Code, including the number, shape, boundaries, area, regulations and any other provision of the Snyderville Basin Zoning Districts, may be amended as provided by Section 17-27-403 of the Utah Code and Section 4.5 herein.

(b) From and after the effective date of this Code, no applications for development approval shall be approved unless such application is consistent with the General Plan as provided in Section 1.8 herein. If the Land Use Element of the Snyderville Basin General Plan contains a stricter provision than that set forth herein, the standard set forth in the Land Use Element shall govern.

3.3 Rules for Interpretation of Boundaries or Uses

~~(e)~~(a) Resolution of Disputes on Property Boundaries. In the event of a dispute pertaining to the boundary or location of a property within a ~~use category~~ Land Use Category or a zoning district, the BCC shall have the authority and jurisdiction to interpret and to render a written determination of the applicable boundary of such category or district. The BCC shall take into consideration, to the extent ~~possible~~ applicable, the following criteria in rendering such interpretation:

- (1) The ~~applicable~~ policies and development standards pertaining to such district or Land Use Category;
- (2) Where a ~~Land Use Category~~ Land Use Category or zoning district boundary is

shown following a ~~street, highway, road,~~ right-of-way, interstate highway, any parkway, a public utility right-of-way, a railroad line, or a stream or watercourse, ~~or a line located midway between the main track of said railroad,~~ and such boundary shall be deemed to be changed automatically whenever the such center line ~~or the main railroad track are~~ is changed by natural or artificial means.

(3) If such boundary is shown as separated from by approximately parallel to any such landmarked or monument~~al~~ line, such zoning district or Land Use Category boundary shall be deemed to be parallel to the aforesaid center line, or line located midway between the main tracks of such railroad at such distance therefrom as shown on the ~~Zoning Map~~ General Plan Land Use Map.

(4) Where a zoning district or Land Use Category boundary is shown as following a township boundary line, a property line, a plot line or a projection of any one ~~(1)~~ of the same, such boundary shall be such landmarked or monumented line or projection thereof. If such boundary is shown as separated from but approximately parallel to any such landmarked or monumented line or projection thereof, such boundary shall be deemed to be parallel to any landmarked or monumented line or projection thereof, as the case may be, at such distance therefrom as shown on the General Plan Land Use Map ~~or Zoning Map~~.

(5) In areas not subdivided into lots and blocks, wherever a zoning district or Land Use Category is indicated as a strip adjacent to and paralleling a road or railroad right-of-way, street or highway, the depth of such strips shall be in accordance with dimensions ~~shown on the maps~~ measured at right angles from the center line of the road or railroad right-of-way, street or highway, and the length of frontage shall be in accordance with dimensions ~~shown on the map~~ measured from section, quarter section, or division lines, or center lines of ~~streets and highways, roads~~ or railroad rights-of-way, unless otherwise indicated. ~~In the absence of a specified distance being indicated on the General Plan Land Use Map or Zoning Map, the distance shall be determined by using the Map scale.~~

(6) Where a road, street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the General Plan Land Use Map ~~or Zoning Map~~, the on-the-ground physical monument or marker shall control

(b) Interpretation of Uses. The BCC shall have the authority and jurisdiction to interpret and to render a written determination as to whether a proposed use is consistent with the permitted or conditional uses of the applicable zoning district or to render such other relief as may be appropriate under the circumstances. The BCC shall take into consideration, to the extent applicable, the following criteria in rendering such interpretation:

~~(1) The BCC shall take into consideration, to the extent applicable, the following criteria in rendering such interpretation:~~

~~1a~~(1) Consistency with the purpose and intent of the policies and development standards pertaining to such district or Land Use Category as described in the Land Use Element of the Snyderville Basin General Plan.

~~1b~~(2) Whether the proposed use is substantially similar to other uses taking into consideration the following criteria:

~~1H~~[a] whether the proposed use is within the same two-or three-digit classification of the *Standard Land Use Code Manual* (1977) permitted or conditional within the zoning district. The *Standard Land Use Code Manual* (1977) is incorporated by reference as if set forth in its entirety herein, and a copy shall be retained at the offices of the Department of Community Development for public inspection;

~~2~~[b] trip generation;

~~3~~[c] impact on public facilities and services, and

~~4~~[d] impact on environmental resources.

(2) If the BCC determines that the proposed use is not consistent with the purpose and intent of the policies and development standards pertaining to such zoning districts described in the Land Use Element of the Snyderville Basin General Plan, or is not substantially similar to another use permitted within the applicable zoning district, the applicant may apply for an amendment to the General Plan.

~~(d)~~3.4 Conformity of Zoning District with General Plan. This Chapter is hereby declared to conform to the General Plan ~~of the County~~ pursuant to the provisions of Section 17-27-303(6)(b) of the Utah Code.

3.5 Application of Zoning District Regulations

(a) Purpose. The purpose of this Chapter is to provide for appropriate and compatible uses within each zoning district in order to accomplish the purposes of the County Land Use Development and Management Act, to provide for the health, safety, and welfare of the residents of the County, and to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the County and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the County's agricultural and other industries, to protect both urban and non-urban development, protect property values, and to implement the goals and policies of the Snyderville Basin General Plan.

(b) ~~Permitted~~ Uses. The allowable uses within each zoning district shall be those uses set forth in the Schedule of ~~Permitted~~ Uses (Section 3.6 herein).

(c) Prohibition.

(1) ~~No potentially allowed proposed~~ No use shall be permitted within any zoning district unless:

[a] Such use is consistent with the General Plan Land Use Map, which is incorporated by reference as if set forth in its entirety herein; and

[b] such use is an allowable land use as set forth in the Schedule of ~~Permitted~~ Uses.

(2) No variance shall be granted by the BOA with regard to the use provisions established herein. Any modification of use provisions may be accomplished only through an amendment to the General Plan and this Code in accordance with the procedure set forth in Section 4.4 of this Code.

(3) In the event of a conflict between the use ~~restrictions~~ provisions set forth in this Section and a condition, covenant or restriction recorded with

the Summit County Recorder or set forth herein shall govern.

(d) Limitation on Uses. ~~Permitted~~ Uses shall be limited to those ~~uses~~ identified in the Schedule of ~~Permitted~~ Uses as a Permitted Use or Conditional Use. In addition to those uses expressly prohibited within a zoning district, any use category not expressly permitted or conditional shall be deemed prohibited unless the applicant:

(1) Obtains a ruling from the BCC in accordance with the procedures set forth in Section 3.3(b) of this Code, that the proposed use is substantially similar to other ~~Permitted~~ Uses listed in the Schedule of ~~Permitted~~ Uses for the applicable zoning district; or

(2) Obtains an amendment to the Snyderville Basin General Plan and this Code in accordance with the procedures and standards set forth in Section 4.4 of this Code; or

(3) If the use is listed as non-designated, obtains an ~~designation approval~~ for such pursuant to the Designated Development Procedures set forth in Section 3.8 herein.

3.6 Schedule of ~~Permitted~~ Uses and Bulk Regulations by Zoning District.

(a) Schedule of ~~Permitted~~ Uses. The Schedule of ~~Permitted~~ Uses ("Schedule") prescribes the allowable uses within each zoning district. The purpose of the Schedule of ~~Permitted~~ Uses is to implement the Land use policies of the General Plan, Land Use Element. The Permitted Uses, Conditional Uses, Non-designated Uses, and Prohibited Uses within each zoning district shall be as prescribed in the Schedule. The Schedule lists zoning district on the horizontal axis and ~~uses classifications~~ on the vertical axis. The intersection of the vertical and horizontal axes is referred to herein as a "cell". The following rules shall be used to interpret the Schedule of ~~Permitted~~ Uses:

(1) If the Symbol "P" appears in the cell, the use is permitted subject to the general requirements for specified uses within the zoning district, this Chapter, and the applicable performance standards set forth in Chapter 5 of this Code. No permitted use shall be established until all required permits are obtained including, at a minimum, a ~~building development~~ permit.

(2) If the symbol "C" appears in the cell, the use is only permitted subject to the conditional use permit procedures and standards specified in Section 3.7 herein, the performance standards set forth in Chapter 5 of this code, and any other standards set forth in this Code which may be applicable to such use.

(3) If the symbol "ND" appears in the cell, the use is prohibited unless approved in accordance with the Designated Development Procedures set forth in Section 3.7 herein. Such use shall conform to the performance standards set forth in Chapter 5 of this Code for the use, and any additional standards set forth in this Code which may be applicable to such use.

(4) If the symbol "~~XX~~" appears in the cell, the use is prohibited in the applicable zoning district. In order to establish such use on a given parcel or lot, the zoning district classification must be changed to a classification which permits such use, of the text of the zoning district must be changed in the Schedule of ~~Permitted~~ Uses to permit such use.

| Use Classification | Zoning District | | | | | | | | | |
|--|-----------------|-----------|------------|------------|------------|-----------|----------------|----------------|----------------|-----------|
| | <u>SL</u> | <u>CS</u> | <u>LDR</u> | <u>MDR</u> | <u>HDR</u> | <u>NC</u> | <u>SC</u> | <u>CC</u> | <u>RC</u> | <u>LI</u> |
| RESIDENTIAL | | | | | | | | | | |
| <u>Single-family detached dwellings</u> | P | P | P | P | P | X | X | X | C | X |
| <u>Two-Family Dwelling, Attached Vertically or Horizontally</u> | X | X | X | P | P | X | X C | X C | C P | X |
| <u>Townhouses/condominium</u> | X | X | X | P | P | X | X C | X C | P | X |
| <u>Multi Family Dwellings</u> | X | X | X | C | P | X | X | X | P | X |
| <u>Secondary Living Quarters</u> | C | C | C | C | C | X | X | X | C | X |
| <u>Mobile or Manufactured Home Parks or Subdivisions</u> | X | X | X | X | X | X | X | X | X | X |
| <u>Manufactured Homes on platted lots in single-family residential areas (see § 3.9(b))</u> | P | P | P | P | P | X | X | X | C X | X |
| <u>Mixed use retail residential</u> | X | X | X | X | C | C | P C | C | P | X |
| <u>Multi-Use Development (Section 1.12 of Appendix 1 of this Code)</u> | X | X | X | X | C | C | X C | C | C | X |
| <u>Residential Golf Course Community</u> | X | X | C | C | C | X | X | X | C | X |
| <u>Hotels/Motels</u> | X | X | X | X | X | X | C | C | P | X |
| <u>Bed and breakfast inns</u> | C | C | X | X | C | C | C | C | P | X |
| <u>Group Homes, Day Treatment, Human Services Programs, Residential Treatment (excluding Residential Facilities for Handicapped Persons or Residential Facilities for Elderly Persons)</u> | C | C | C | C | C | X | X | X | X | X |
| <u>Residential Facilities for Handicapped Persons</u> | C | C | C | P | P | X | X | X | X | X |
| <u>Residential Facilities for Elderly Persons</u> | C | C | C | P | P | X | X | X | X | X |

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| Use Classification | Zoning District | | | | | | | | | |
|--|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | <u>SL</u> | <u>CS</u> | <u>LDR</u> | <u>MDR</u> | <u>HDR</u> | <u>NC</u> | <u>SC</u> | <u>CC</u> | <u>RC</u> | <u>LD</u> |
| <u>Nursing Home/Retirement Homes (excluding Residential Facilities for Elderly Persons)</u> | X | X | X | C | C | X | C | C | P | X |
| INDUSTRIAL | | | | | | | | | | |
| <u>Food Processing</u> | X | X | X | X | X | X | X | X | X | C |
| <u>Logging Camps/Sawmills</u> | X | X | X | X | X | X | X | X | X | X |
| <u>Printing and publishing facilities</u> | X | X | X | X | X | X | X | X | X | P |
| <u>Light manufacturing</u> | X | X | X | X | X | X | X | C | X | P |
| <u>Custom manufacturing</u> | X | X | X | X | X | X | X | C | X | P |
| <u>Contract construction services</u> | X | X | X | X | X | X | X | C | X | P |
| <u>Building Maintenance Services</u> | X | X | X | X | X | X | C | C | X | P |
| <u>Freight and packing services, including freight forwarding and packing/crating services</u> | X | X | X | X | X | X | X | X | X | P |
| <u>Scrap and salvage services; vehicle storage</u> | X | X | X | X | X | X | X | X | X | P |
| TRANSPORTATION, COMMUNICATION AND UTILITIES | | | | | | | | | | |
| <u>Local utility facilities</u> | C _P | C _P | C _P | C _P | C _P | C _P | C _P | C _P | C _P | C _P |
| <u>Major utility facilities</u> | X | C | X | X | X | X | X | X | X | P |
| <u>Communications facilities, including antennae, communications studios, satellite dish antennae, satellite receiving stations, and communications towers</u> | C | C | X | X | X | X | X | C | C | P |
| <u>Recycling centers</u> | ND | ND | ND | ND | ND | ND | ND | ND | ND | P |
| <u>Transportation Terminals and Truck Terminals</u> | X | X | X | X | X | X | X | X | X | P |
| <u>Commercial Parking Lot</u> | X | X | X | X | X | X | X | C | C | P |
| COMMERCIAL USES | | | | | | | | | | |

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| Use Classification | Zoning District | | | | | | | | | |
|---|-----------------|-----------|------------|------------|------------|--------------------------|--------------------------|--------------------------|--------------------------|-----------|
| | <u>SL</u> | <u>CS</u> | <u>LDR</u> | <u>MDR</u> | <u>HDR</u> | <u>NC</u> | <u>SC</u> | <u>CC</u> | <u>RC</u> | <u>LI</u> |
| <u>Restaurant, (without drive-ins, fast food or drive-up windows)</u> | X | X | X | X | X | C | P₁ | P | P | X |
| <u>Restaurant, (fast food; drive-ins, or drive-up windows)</u> | X | X | X | X | X | X | X | C | C | X |
| <u>Bars and fraternal organizations</u> | X | X | X | X | X | X | C | P | P | X |
| <u>Wholesale trade</u> | X | X | X | X | X | X | X | X | X | P |
| <u>Hardware stores (with no open storage)</u> | X | X | X | X | X | C | P₁ | P | X | P |
| <u>Lumber yards</u> | X | X | X | X | X | X | X | X | X | P |
| <u>Department stores</u> | X | X | X | X | X | X | X | P | X | X |
| <u>Shopping Centers</u> | X | X | X | X | X | X | C | P | P | X |
| <u>Warehouse Retail</u> | X | X | X | X | X | X | X | C | X | C |
| <u>General retail sales</u> | X | X | X | X | X | X | C | P | P | P |
| <u>Community retail sales</u> | X | X | X | X | X | P | P | P | P | P |
| <u>Retail food sales</u> | X | X | X | X | X | C_P | C_P | P | C_P | P |
| <u>Construction sales and services</u> | X | X | X | X | X | X | C | C | X | P |
| <u>Automotive Sales</u> | X | X | X | X | X | X | X₁ | C | X | C |
| <u>Automotive and Equipment Services</u> | X | X | X | X | X | X | X₁ | C_P | X | P |
| <u>Equipment Sales</u> | X | X | X | X | X | X | X | X | X | P |
| <u>Service Stations and Car Washes</u> | X | X | X | X | X | C | C | C_P | C | P |
| <u>Convenience Stores</u> | X | X | X | X | X | C | C | P | C | C |
| <u>Clothing Stores</u> | X | X | X | X | X | X | X | P | C | X |
| <u>Appliance Stores</u> | X | X | X | X | X | X | P₁ | P | X | X |
| <u>Furniture Stores</u> | X | X | X | X | X | X | P₁ | P | C | P |

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| Use Classification | Zoning District | | | | | | | | | |
|--|-----------------|-----------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|
| | <u>SL</u> | <u>CS</u> | <u>LDR</u> | <u>MDR</u> | <u>HDR</u> | <u>NC</u> | <u>SC</u> | <u>CC</u> | <u>RC</u> | <u>LI</u> |
| <u>Truckstops</u> | X | X | X | X | X | X | X | X | X | C |
| <u>Farm and Garden Supply Stores</u> | X | X | X | X | X | X | C | C | X | P |
| <u>Jewelry Stores</u> | X | X | X | X | X | X | P | P | P | X |
| <u>Nursery or Greenhouse</u> | X | X | X | X | X | C | C | P | P | P |
| OFFICES AND PROFESSIONAL SERVICES | | | | | | | | | | |
| <u>Professional Offices</u> | X | X | X | X | X | C | P | P | P | P |
| <u>Business Offices</u> | X | X | X | X | X | C | P | P | P | P |
| <u>Financial Services</u> | X | X | X | X | X | C | P | P | P | P |
| <u>Hospitals</u> | X | X | X | X | X | X | ND | ND | ND | ND |
| <u>Limited Hospital Services</u> | X | X | X | X | X | X | X | C | X | C |
| <u>Medical Research Facilities and Medical Laboratories</u> | X | X | X | X | X | X | X | X | X | C |
| GENERAL SERVICES | | | | | | | | | | |
| <u>Warehousing and Wholesale Distribution (Limited or General)</u> | X | X | X | X | X | X | X | X | X | X |
| <u>Mini Storage</u> | X | X | X | X | X | X | C | C | X | X |
| <u>Retail Distribution</u> | X | X | X | X | X | X | C | C | X | X |
| <u>Stockyards</u> | X | X | X | X | X | X | X | X | X | X |
| <u>Laundromats</u> | X | X | X | X | C | P | C | P | C | X |
| <u>Industrial Laundry Services</u> | X | X | X | X | X | X | X | C | X | X |
| <u>Photography Studios</u> | X | X | X | X | X | C | P | P | P | X |
| <u>Photofinishing Laboratories, Retail</u> | X | X | X | X | X | C | P | P | P | X |

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| Use Classification | Zoning District | | | | | | | | | |
|---|-----------------|-----------|------------|------------|------------|-----------|----------------------|----------------------|-----------|----------------------|
| | <u>SL</u> | <u>CS</u> | <u>LDR</u> | <u>MDR</u> | <u>HDR</u> | <u>NC</u> | <u>SC</u> | <u>CC</u> | <u>RC</u> | <u>LI</u> |
| <u>Photofinishing Laboratories, Commercial / Industrial</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> |
| <u>Personal Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>X</u> |
| <u>Funeral Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P_c</u> | <u>C_P</u> | <u>X</u> | <u>P_X</u> |
| <u>Public Garages</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>Business Support Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>P</u> |
| <u>Automotive Repair Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>X</u> | <u>P</u> |
| <u>Consumer Repair Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>P</u> |
| <u>Pet Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>X</u> | <u>P</u> |
| <u>Governmental Use</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> | <u>ND</u> |
| <u>Private Educational Services and Personal Improvement Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>P_c</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <u>Churches</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>X</u> |
| <u>Welfare and Charitable Services</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P_c</u> | <u>P</u> | <u>C</u> | <u>P</u> |
| <u>CIVIC USES</u> | | | | | | | | | | |
| <u>Indoor Entertainment & Theaters</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>P</u> | <u>C</u> |
| <u>Private Recreation</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>P</u> | <u>X</u> |
| <u>Commercial Recreation Facilities</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>P</u> | <u>P</u> | <u>C</u> |
| <u>Commercial Stables and Riding Academics</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P</u> | <u>X</u> |
| <u>Passenger Tramway Stations; Base Area Lifts; Skiing and Tobogganing Runs; Liftways</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P</u> | <u>X</u> |
| <u>Commercial Campgrounds, Including Camps and Camping Sites</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>X</u> |
| <u>Cultural Activities</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>P_c</u> | <u>C</u> | <u>C</u> | <u>C</u> |

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| <u>Use Classification</u> | <u>Zoning District</u> | | | | | | | | | |
|---|------------------------|-----------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|
| | <u>SL</u> | <u>CS</u> | <u>LDR</u> | <u>MDR</u> | <u>HDR</u> | <u>NC</u> | <u>SC</u> | <u>CC</u> | <u>RC</u> | <u>LI</u> |
| <u>Public Assemblies</u> | X | X | X | X | X | X | X | C | C | X |
| <u>Outdoor Recreation Including Golf Courses, Private Stables, and Country Clubs</u> | C | C | X | X | X | X | X | X | P | X |
| <u>Park and Recreation Services; Community Centers</u> | X | X | X | C | C | C | X | P | P | C |
| <u>Trails and Passive Open Space</u> | P | P | P | P | P | P | P | P | P | P |
| <u>Resorts</u> | X | X | X | X | X | X | X | X | P | X |
| <u>Public Schools</u> | X | X | C | C | C | C | C | P | P | X |
| <u>Cemeteries</u> | ND | ND | ND | ND | ND | ND | ND | ND | ND | ND |
| <u>CHILD CARE</u> | | | | | | | | | | |
| <u>Child Day Care*</u> | X | X | X | X | C | C | P | P | P | X |
| <u>Adult Day Care</u> | X | X | X | X | C | C | C | P | P | X |
| <u>RESOURCE PRODUCTION & MINING</u> | | | | | | | | | | |
| <u>Resource Extraction</u> | C | C | X | X | X | X | X | X | X | X |
| <u>Agriculture exceeding twenty (20) acres</u> | P | P | P | P | P | P | P | P | P | P |
| <u>Fishing Activities and Related Services Including Fisheries and Fishery Services</u> | C | C | X | X | X | X | X | X | X | X |
| | | | | | | | | | | |

* No development permit shall be required for in-home babysitting.

3.7 Conditional Use Permits.

(a) Applicability.

(1) Conditional uses are those uses which are generally compatible with the ~~Permitted~~ Uses in a zoning district, but which, because of their size, scale, intensity of use, traffic generation, or other characteristics, require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

(2) Only those uses that are enumerated as conditional uses in a zoning district (Section 3.6) shall be authorized by the BCC.

(3) Conditional uses may be established only upon approval of a conditional use permit pursuant to this Section. ~~A conditional use permit shall not be required for a use allowed as a Permitted Use in a given zoning district.~~

(b) Site Plan Required. No conditional use shall be established until a site plan has been approved in accordance with the provisions of this Code. (See Section 4.6). The Commission may recommend and the BCC may impose conditions or requirements in addition to those prescribed in Section 3.6 and Chapter 5 herein in order to ensure that the proposed use is compatible with the other uses permitted in the applicable zoning district and to mitigate or eliminate the adverse impacts of the proposed use, as set forth in subsection ~~(e)(d)~~ of this Section.

(c) Approval Procedure. In addition to the general performance standards prescribed in Chapter 5 herein and the additional standards for specific categories of conditional uses prescribed in Section 3.6 herein, conditional uses shall be permitted only after review and recommendation by the Commission and approval by the BCC.

(d) General Criteria. No conditional use permit shall be approved unless the applicant demonstrates that:

- (1) the use is in accordance with the General Plan;
 - (2) the use conforms to all applicable provisions of this Code, including, specifically, any applicable provisions of Section 3.6 of this Chapter, and Chapter 5; the Snyderville Basin General Plan, and state and federal regulations;
 - (3) the use is not detrimental to the public health, safety and welfare;
 - (4) the use is appropriately located with respect to public facilities;
 - (5) the use is compatible with the existing neighborhood character and with the character and purpose provision of the applicable zoning district, and will not adversely affect surrounding land uses or public facilities.
- (e) Special Standards for Conditional Uses. In addition to the standards established in this Chapter and in Chapter 5 for particular uses, all conditional uses within a zoning district shall conform to the following standards and criteria:
- (1) The Commission may recommend, and the BCC may require, the applicant or the owner of the property subject to an application for development approval for a conditional use permit to establish an escrow account, post a bond or provide other financial security, in such form and sum as the Commission or BCC shall determine, with sufficient surety running to the County to offset any extraordinary costs or expenses associated with the following: (1) construction of any highways, roads, water or sewer mains, drainage facilities, or other public infrastructure; (2) compliance with the requirements of this Section, any applicable special requirements set forth in Section 3.6 or Chapter 5 herein, and the conditions attached to the development order; and (3) any expense incurred by the County in order to ensure compliance with any special requirements set forth in Section 3.6 or Chapter 5 herein, and the conditions attached to the development order including the provision of facilities or structures, maintenance or construction work, or the execution or fulfillment of conditions of a continuing nature.
 - (2) The proposed development shall not cause a reduction in the adopted level of service for any public facility.

- (3) Lighting shall not be directed or reflected upon adjoining land.
- (4) The natural topography, soils, critical areas, watercourses and vegetation shall be preserved and used, where possible, through careful location and design of circulation ways, buildings and other structures, parking areas, recreation areas, open space, utilities and drainage facilities.
- (5) All roads shall provide free movement for safety and efficient use within the development. Local roads shall provide access to the site in a manner that discourages unsafe and congested conditions, and which provides convenient accessibility to parking areas. Arterial and collector roads shall be free of backing movement from adjoining parking areas and free of congestion and public safety problems.
- (6) Vehicular and pedestrian passageways shall be separated from public rights-of-way. Where appropriate, a system of walkways and bicycle paths connecting buildings, open spaces, recreation areas, public facilities, and parking areas shall be provided and appropriately lighted for night use.
- (7) Buildings and other structures shall provide a human scale consistent with adjacent development and appropriate to residential uses in the SL, CS, A, LDR, MDR and HDR zoning districts, and consistent with adjacent conforming development in the ~~NC, RC, CC, SC and LI~~ NC, SC, CC, RC and LI zoning districts. The massing of buildings and appropriate scale relationships shall be accomplished in the following ways, where applicable to the type of use and surrounding development and consistent with the ~~rustic~~ theme and character of the Snyderville Basin:
- [a] Avoiding unreasonably continuous and unbroken wall and roof planes;
 - [b] Introducing architectural elements or features that create a variety of scale relationships;
 - [c] Using materials that are consistent throughout a project;
 - [d] Using architectural elements that create the appearance or

feeling of a ~~more~~ reasonable scale;

[e] Using architectural elements or details that are sympathetic to structures on adjoining properties; and

[f] Other ~~design~~ techniques or elements of design that reasonably comply with the purposes of this subsection and which reflect uniqueness and individuality.

(8) Site design shall avoid, to the extent practicable, the placement of obstructions in any watercourse. Watercourses shall be maintained free from any obstruction not authorized by a site plan, and any pool of standing water which is formed in any watercourse within the County on account of any unauthorized obstruction shall be deemed ~~and the same is hereby declared~~ to be a public nuisance.

(9) The volume and rate of post-development runoff shall not exceed pre-development runoff. Runoff calculations shall be submitted with the application for preliminary site plan approval and shall be based upon (a) the 25-year, 24-hour design storm event, (b) a fully developed contributing drainage area, (c) the specific location of the proposed development, (d) the proposed land use and use density or intensity, and (e) the specific location and amount of impervious surfaces, in square feet.

(10) The site shall be landscaped as follows:

[a] That portion of the site not used for buildings, parking, driveways, storage, loading, sidewalks, or other impervious surfaces, ~~excluding covered areas and areas utilized for lawns and natural grass,~~ shall be landscaped and maintained in accordance with the provisions of § 5.11 of this Code.

[b] Not less than fifteen (15%) percent of all vehicle storage or parking areas, nor less than twenty-five (25%) percent of the total net lot area, shall be landscaped and continuously maintained in a healthy condition. Landscaped area within the storage and parking areas shall not be included in the calculation of the minimum twenty-five (25%) percent landscaping requirement for the total net lot area.

[c] Landscaped areas shall include a mixture of drought tolerant or other plant materials, and organic and non organic ground cover materials.

[d] An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.

[e] The perimeter of any portion of a site not adjacent to the boundary of the SL, CS, A, ECC or EN Zoning districts, upon which any outdoor use of a multi-family residential, manufacturing, retail, commercial, or industrial nature is permitted, shall be screened to a height of not less than six (6) feet in height. No outdoor use or enclosure thereof shall encroach into any required setback area adjacent to any road, nor shall any storage products or materials exceed the height of any such enclosure. Approval of screening methods shall be by the BCC upon receipt of a recommendation from the Commission.

(11) Any site plan approved for ~~such a~~ conditional use shall be limited to a period of time not to exceed one (1) year from the date of such approval, but said approval may be extended for a period not to exceed one (1) year by the BCC upon the property owner submitting to the BCC satisfactory evidence indicating that reasonable progress is being made to provide project infrastructure and to complete construction.

3.8 Non-Designated Uses

(a) Purpose. The purpose and intent of this Section is to provide for the designation and approval of new, specialized or unusual uses that could not be specifically located at the time that the General Plan Land Use Map was developed and the zoning regulations were drafted; to establish reasonable conditions to preserve the integrity of the Land Use Element of the Snyderville Basin General Plan; and to avoid unnecessary delay in development approval, while allowing the Commission and BCC adequate time to examine all of the variables and criteria needed to determine whether Non-designated uses are consistent with the General Plan.

(b) Applicability. The BCC, upon application in the manner prescribed herein, may approve a specific use listed as "Non-designated" in a zoning district in accordance with the procedures and standards set forth herein. All uses listed

as Non-designated in a Zoning district are prohibited unless authorized by the BCC in accordance with the procedures prescribed herein.

(c) Consistency with General Plan. The recommendation of the Commission and approval of the BCC shall be based upon a determination that such designation will be consistent with the objectives of the Land Use Element of the Snyderville Basin General Plan.

(d) Criteria for Non-Designated Use Approval. In addition to the criteria for conditional uses as set forth in Section 3.7(e) herein, the Planning Commission shall not recommend approval, and the BCC shall not approve, an application for approval of a non-designated use unless specific findings are made as to the following:

- (1) The use or uses requested are consistent with the character of the neighborhood.
- (2) The use or uses requested are consistent with the zoning district classification and uses of properties nearby.
- (3) The use or uses are consistent with the General Plan Land Use Map and the goals and policies of the General Plan.
- (4) The suitability of the subject property for the uses to which it has been restricted.
- (5) The gain to the public health, safety and welfare resulting from the proposed use:
- (6) The hardship imposed upon the individual landowner or landowners if the non-designated use is not permitted.

(e) Procedure. The procedure to be followed for non-designated use approval shall be the procedure set forth in Section 4.5 herein for amendments to the zoning regulations and General Plan Land Use Map.

(f) Non-designated Uses Permitted in All Zoning Districts. Non-designated uses permitted in all Zoning districts include the following:

- (1) Cemeteries.

(2) Governmental Uses.

3.9 Special Regulations Standards Applicable to Particular Uses

(a) Signs.

(1) Purpose: The purpose of these ~~Summit County~~ Sign Standards is to promote and protect the public health, safety and welfare of the general public by implementing outdoor advertising regulations to protect property values, create an ~~more~~ attractive economic and business climate and enhance the aesthetic appearance of the ~~physical~~ community. It is further intended to reduce signs or advertising distractions and obstructions that may contribute to ~~clutter or~~ traffic accidents.

(2) Applicability: All signs shall comply with the applicable standards set forth in this subsection. Except as exempted in subsection (a)(5)(4) hereto, installation, modification or replacement of signs requires review and approval ~~as a project~~ in accordance with this subsection and other applicable provisions of this Code. All signs not expressly permitted are prohibited. Specifically prohibited are all: billboards, rooftop signs, tow-in signs, flashing, blinking or moving signs, animated signs, ~~word signs~~, bench signs, inflatable signs or displays and banners.

(3) Sign Package Review: All locations and areas currently occupied, or proposed to be occupied, by permanent signage on the project area shall be indicated on the submitted plans or drawings with any application for development approval, together with the proposed dimensions, materials, color and lighting of each sign. No sign shall be erected or constructed except in accordance with the following:

[a] Pursuant to an approved subdivision plat, site plan, a minor permit or building permit; or

[b] for improved lots or parcels, or for lots or parcels not requiring an application for development approval, a minor permit.

(4) List of Exempt Activities: The following sign activities are not subject to review and approval by the County provided they

comply with all restrictions set forth below:

- ~~[a] Face Change. Sign package review is not required for a face change of existing sign structures approved by the County pursuant to this subsection.~~
- [b] Changing Advertising Copy. The changing of the advertising copy or message on a lawfully erected changeable copy sign;
- [c] Maintenance or Cleaning of a Sign. This exception shall not include any structural, electrical, copy, or color changes of a sign;
- [d] Credit Advertising Signs. For each road frontage of the primary use, one sign not over one square foot in area advertising that credit is available;
- [e] Identification Signs. For each parcel, one identification sign containing no advertising matter in which the sign copy is composed of material that is non-electrical, non-illuminated, two square feet or less in area, which is permanently affixed in a plane parallel to a wall located entirely on private property;
- [f] Temporary Signs. For each parcel or use, one temporary sign per road frontage which is not greater than eight square feet in area and four feet in height, is not illuminated, and is not displayed for more than 30 days in a calendar year. Except for political signs no greater than sixteen (16) square feet in size and six (6) feet in height, that for 60 days preceding a general or special election up to three (3) temporary signs may be placed on each parcel, provided they are removed immediately within 10 days after the election. See also Subsection (a)(9);
- [g] Construction Signs. Site identification signs, which may identify the project, the owner or developer, architect or other designer, engineer, contractor and subcontractors, funding sources, and other related information. Not more

than one such sign shall be erected per site, and it shall not exceed 30 square feet in area. The height of construction signs shall not exceed eight feet, or if attached to a construction trailer shall not exceed the height of the trailer. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days of site or building occupancy prior to issuance of the Certificate of Occupancy;

[h] Public Service Signs. Signs of public service entities indicating danger and/or service and safety information;

~~[h][i]~~ Replacement Signs. Replacement of road signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced, and when the sign conforms to the applicable standards of the Manual On Uniform Traffic Control Devices, 1978. Installation of new road signs and other regulatory or directional signs or replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced shall be reviewed as a project.

[i] Residential Signs. In residential sign areas, signs not exceeding four square feet in area such as (i) signs giving property identification names or numbers or names of occupants or home occupation, (ii) signs on mailboxes or newspaper tubes, (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals;

~~[j] Non Visible Signs. Any sign not visible from a road, public recreation area or bicycle trail;~~

[k] Internal Building Signs. Any sign which is located within a building and which is clearly intended to be visible primarily to people located within the building;

[l] Window Signs. Signs located within structures, including inside window signs intended to be seen from outside of the

building when such signs are limited to five percent (5%) of the area of each window.

[m] Private Property Signs. Signs on private property ~~12" x 18"~~ two (2) square feet or smaller which limit access, provide direction, parking admittance, define entrances or exits or stop signs, or pertain to security provisions; signs 18" x 18" or smaller defining entrance or exit; and octagonal stop sign 24" or smaller;

~~[n] Replacement Signs. Replacement of road signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced, and when the sign conforms to the applicable standards of the Manual On Uniform Traffic Control Devices, 1978. Installation of new road signs and other regulatory or directional signs or replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced shall be reviewed as a project.~~

(5) General Sign Standards: The following sign standards shall apply to all signs except where specifically provided otherwise:

[a] Opaque Background for Internally Illuminated Signs: The background of all internally illuminated signs shall either be of an opaque material which does not transmit light, or shall be of a dark color.

[b] Off-Premise Signs: No sign shall be erected or maintained on a parcel or project area other than the parcel or project area on which the use or activity advertised by the sign is located. Off premise directional signs may be allowed when an event, building or structure is situated in such a manner that its location is obstructed from public view and identity.

[c] Sign Illumination: No sign shall be illuminated by or contain blinking, flashing, intermittent, or moving light or lights, except the time and temperature portion of a sign.

All sources of illumination for signs shall be directed or shielded away from public roads, public recreation areas, bicycle trails or nearby residences.

- [d] Diffuse Lighting: All signs which are illuminated shall be illuminated using indirect or diffuse lighting. No sign shall contain copy which consists of illuminated bulbs or individual light or light sources.
- [e] Roof Signs: No sign shall be mounted on the roof of a building or other structure, ~~except for signs mounted on mansard roofs and which do not extend vertically above the top of the mansard.~~
- [f] Prohibited Devices: Strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering devices, and searchlights shall be prohibited.
- [g] Signs Imitating Official Traffic Signs: No sign shall imitate the color and shape of, or directions given in, an official traffic sign or signal, or use such words as "stop," "caution," "yield," "danger," or "warning."
- [h] Signs Obscuring Vision: No sign shall be placed such that it ~~unsafely~~ obscures the vision of a motorist upon entering or leaving a road.
- [i] Signs on Natural Features and Other Structures: No sign shall be affixed to or painted on trees, rocks, or other natural features, utility poles, road sign poles, traffic signal equipment and poles, garbage receptacles, benches, and other types of street furniture, and fences.
- [j] Rotating Signs: No sign shall rotate or have a rotating or moving part, or parts, ~~except barber poles to the extent required by law, and~~ clocks and thermometers.
- [k] Signs Attached to Motor Vehicles: No sign shall be attached to or located on stationary motor vehicles, equipment, trailers and related devices, when used in a

manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle, equipment, trailer and related device. This subsection shall not apply to business, company, or government identification signs, or non-stationary motor vehicles.

- [l] Portable Signs: No sign shall be permitted which is not permanently affixed to the ground or a building, except as provided for in subsection (a)(5)(f)(4)(i) herein.
- [m] State of Repair: All signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.
- [n] Removal of Sign Message: Any sign for which the sign message of face has been removed, leaving only the supporting frame, can, braces, anchors, or similar components, shall, within 30 days of the removal of the message or face, have the message or face replaced with a blank face or new message or face, or shall have the remaining components of the sign removed. This subsection shall not be construed to alter the effect of subsection (a)(10)(9) herein, which prohibits the replacement of a non-conforming sign.
- [o] Non-Commercial Copy: No provisions of this ~~table~~ Section shall be construed as regulating or restricting the use of copy or other message that does not advertise a business or similar economic means for the production of income.
- [p] Highway Signs: Highway signs, road signs and other regulatory and directional signs which are located on public rights-of-way shall conform to the applicable sign standards set forth in the Manual On Uniform Traffic Control Devices, 1978.
- [q] Window Signs: Any window sign which exceeds five percent of the window area of any window shall be included in the maximum allowable square footage

calculations for building signs. Permanent signs printed on windows are considered to be building signs and shall be included in the maximum allowable square footage calculations under this chapter.

[r] Sign Materials and Colors: All signs shall be constructed so that exposed surfaces are of natural or natural appearing materials. Signs shall be finished in subdued earthtone colors. Both materials and colors should complement the material and color scheme of the building or primary use of the property.

~~[s] Canopy Signs: Canopies may be used as signs, but the surface of a canopy shall not include the roof area. Canopy signs shall meet the same size and height requirements as projecting signs.~~

[t] Sign Copy: The copy on a sign shall not exceed 60% of the total sign area.

[u] Signs in Public Right-of-Way: No sign shall be erected in or extending over any public right-of-way or space except traffic and directional signs erected by a public agency.

[v] Freestanding Sign Bases. All freestanding signs exceeding 32 square feet in area shall be constructed with a monument base and shall be architecturally related to, and compatible with the primary use or structure of the property and adjacent properties.

(6) Signs in Residential Areas: The following standards shall apply to signs located in residential areas:

[a] Subdivision Entrance Signs: Residential subdivisions may be allowed one freestanding or wall-mounted sign per public road entrance. Such sign shall be no greater than 40 32 square feet in area. Freestanding signs shall not exceed a height of twelve (12) eight (8) feet above grade, and shall be set back at least fifteen (15) feet from the edge of the right-of-way to the property line or edge of the public right-of-way. The height of wall-mounted signs shall be no

greater than 8 feet above natural or finished grade. Two freestanding or wall-mounted signs, or one of each, may be allowed per public road entrance, provided the combined area of both signs is not greater than 40 32 square feet.

[b] Signs for Multi-Residential Uses: Signs for multi-residential uses of five (5) or more dwelling units shall conform to the standards established in Subsection (a)(6)(a) herein.

[c] Signs For Non Residential Uses: The following standards shall apply to signs for non-residential uses located in residential areas. The following standards shall apply to signs located in the NC Zoning District:

[1] Building Signs: Each primary use may be allowed one square foot of sign area to each three lineal feet of building frontage up to a maximum of 30 32 square feet of sign area per building frontage. Maximum height of building signs shall be 12 15 feet above grade, with a maximum of two building signs permitted per primary use. In instances where the primary use has no building frontage but does have a frontage without a public entrance on a road, the County may allow building signage to be erected upon that alternative frontage. The sign area shall be calculated based upon that alternative frontage. Up to fifty percent of the maximum allowable sign area for building signs may be used in a projecting sign.

[2] Freestanding Signs: One freestanding sign per project area may be allowed if the eligibility standards listed below are met:

i) Freestanding Sign Area: The maximum allowable sign area for freestanding signs is thirty (30) thirty two (32) square feet.

ii) Freestanding Sign Height: The maximum

allowable height of freestanding signs is eight (8) feet.

iii) Freestanding Sign Location: No portion of a freestanding sign shall be closer than ~~five~~ fifteen (15) feet to any property line or a public right-of-way.

~~iv) Additional Height for Freestanding Signs: Up to two feet of additional height for freestanding signs may be allowed when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height allowed will be the height of the landscape planter, monument base, and pedestal.~~

~~[2] Pedestrian Oriented Signs: Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of six square feet, and has a maximum height of eight feet above grade.~~

[d] Directional Signs: Directional signs which are no greater than six square feet in area, no greater than four feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or free-standing signs, as applicable.

(7) Signs in Commercial/Industrial Areas: The following standards shall apply to signs located in Commercial areas. The following standards shall apply to signs located in SC, CC, RC, and LI Zoning Districts:

[a] Building Signs: Each ~~primary~~ use may be allowed one square foot of building sign area for each three lineal feet of building frontage up to a maximum of 50 square feet of sign area per building frontage. Maximum height of building signs shall be ~~12~~ 15 feet above grade, with a maximum of two building signs permitted per primary use. In instances where the primary use has no building frontage but does ~~not~~ have a frontage without a public entrance on what is defined as a road, the County may allow building signage to be erected upon that alternative frontage. The sign area shall be calculated based upon that alternative frontage. Up to fifty percent (50%) of the maximum allowable sign area for building signs may be used in a projecting sign.

[b] Freestanding Signs: Freestanding signs shall conform to the following standards:

[1] One freestanding sign per project area may be allowed if:

- i) The road frontage of the project area is greater than 100 feet in length; or
- ii) The sign identifies a building with multiple tenants or a project area with multiple buildings; or
- iii) The use does not contain a structure in its normal operation on which to place a building sign; or
- iv) The building is set back at least ~~15~~ 50 feet from the edge of the right-of-way.

~~[2] Multiple Freestanding Signs Allowed: Two freestanding signs per project area may be allowed if:~~

- ~~i) The road frontage of the project area is~~

greater than 300 feet in length and the distance between the freestanding signs is at least 1,000 feet; and

~~ii) The project area has more than one major entry point; and~~

~~iii) The freestanding signs faces different roads and are at least 100 feet apart;~~

[3] Freestanding Sign Area: The maximum allowable sign area of freestanding signs is 50 square feet.

[4] Freestanding Sign Height: The maximum allowable height of freestanding signs is 12 feet.

[5] Freestanding Sign Location: No portion of a freestanding sign shall be closer than 15 feet to any property line or a public right-of-way.

~~[c] Pedestrian Oriented Signs: Each use may be allowed one pedestrian oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of six square feet, and has a maximum height of eight feet above grade;~~

[d] Directional Signs: Directional signs which are no greater than six square feet in area, no greater than four feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable.

(8) Temporary Signs: Temporary signs shall conform to the following standards:

[a] Temporary Signs: Temporary signs may be allowed.

provided they conform to the standards set forth in Subsection (a)(5) ~~(4)~~ [f] hereto and to the following standards:

- [1] Area and Height Limit: Individual temporary signs or a series of temporary signs intended to be read or viewed as one sign, which are part of a temporary activity, shall not exceed 30 square feet in area and 8 feet in height.
 - [2] Time Limit Generally: Temporary signs which are part of a temporary activity may be installed up to 14 days prior to the activity and shall be removed at the end of the activity.
 - [b] Temporary Signs for Temporary Uses: Temporary signs for temporary uses may be allowed pursuant to a minor permit. Temporary signs which are allowed as a part of a temporary use shall be removed when the permit for the temporary use expires.
- (9) Removal of Non-conforming Signs: Non-conforming signs, excluding billboards, shall be conformed, if conformity is possible, or removed as follows:
- [a] On the happening of any of the events described below, or where any of the following conditions apply, the sign or signs shall be brought into compliance within one year after the effective date of this Subsection, and a new permit shall be secured therefor, or shall be removed.
 - [1] The cost of conforming the sign is valued at less than one hundred dollars. Sign value shall be determined based on an actual sales receipt for the sign, a cost estimate for the replacement cost provided by a qualified professional, or the replacement cost as determined in the current edition of the Signwriters Guide to Easier Pricing, whichever is greater.

- [2] If a non-conforming sign is destroyed or damaged to an extent in excess of 50 percent (50%) of the sign value.
 - [3] If the sign is relocated.
 - [4] If the sign is altered structurally, or if more than 50 percent (50%) of the copy as measured by the sign area is altered, except for changeable copy signs and maintenance.
 - [5] If the business or service for which the non-conforming sign(s) was installed is expanded or modified, and if the value of the expansion or modification exceeds 50 percent (50%) of the value of the existing improvements. All improvements to a single business or use within any 12-month period shall be treated cumulatively in the administration of this subparagraph.
- [b] Maintenance And Repair of Non-conforming Signs. Nothing in this Subsection ~~(a)(9)(b)~~ shall be construed to relieve the owner or user of a non-conforming sign, or owner of the property on which such non-conforming sign is located, from maintaining the sign in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming.
- (10) Nothing in this Section shall be deemed to prohibit the County from acquiring a billboard and associated property rights by gift, purchase, agreement, exchange or eminent domain; provided, however, that if the County acquires a billboard by eminent domain it shall pay the owner just compensation. Notwithstanding any provision to the contrary herein, the County may remove a billboard without providing just compensation in accordance with the procedures set forth in subsection (a)(9) of this Section if the BCC provides reasonable notice of the proceedings and, following a public hearing, finds that:

[a] the applicant made a false or misleading statement in any application to the County necessary to establish or change the billboard;

[b] the billboard is unsafe or presents a hazard to persons or property;

[c] the billboard is in a state of disrepair; or

[d] the billboard has been abandoned for at least twelve (12) months.

(b) Manufactured Housing.

(1) Permitted Use. A manufactured home shall be a Permitted Use in any Zoning district in which a conventional single-family home is a Permitted Use provided, however, that such manufactured home and the lot on which it is placed shall be subject to the same development standards applicable to a conventional single-family home in the same Zoning district. The authority to locate a manufactured home in single-family zoning districts shall not apply if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a building permit to install the manufactured home on the affected lot.

(2) Performance Standards. Manufactured homes are subject to the following architectural or aesthetic standards:

[a] The roof shall be double-pitched and have a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run, and shall be covered with roofing material that is residential in appearance, including, but not limited to: approved wood, asphalt composition shingles, ~~metal~~ or fiberglass, but excluding corrugated aluminum, corrugated fiberglass ~~or metal~~ roofs which meet the snow load requirements of the Uniform Building Code;

[b] All roof structures shall provide an eave projection of no less than nine (9) inches, which shall include a gutter;

[c] The exterior siding shall consist predominantly of vinyl or

metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood, hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the County;

[d] The manufactured home shall be set-up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (referred to as NCS BCS A225.1), and a continuous permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home;

[e] Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be attached firmly to the primary structure and anchored securely to the ground;

[f] All fuel supply systems shall be constructed and installed within the foundation wall or underground in compliance with all applicable building and safety codes, except that any bottled gas tanks may be located above ground and outside the foundation wall provided they are ~~fenced~~ screened so as not to be clearly visible from the road or abutting properties;

[g] ~~The Any~~ moving hitch, transporting lights, and wheels and axles shall be removed;

[h] The manufactured home shall be oriented on the lot so that its long axis is parallel with the road. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the road, is no less than fifty (50) percent of the unit's long dimension;

[i] The lot shall be landscaped to ensure compatibility with surrounding properties. ~~The lot shall be seeded, sodded or planted with other appropriate ground cover in accordance with the applicable provisions of § 5.9(f) of this Code.~~

[j] The manufactured home shall have a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis. The minimum dimensions of the manufactured home shall be twenty-two (22) feet in width and forty (40) feet in length;

[k] A garage or carport, constructed in accordance with the requirements of the *Uniform Building Code* shall be provided.

(c) Home occupations

(1) Purpose and Intent. The purpose of these regulations is to permit home occupations which are not intensive nor intrusive and which will not change the character of the residential areas in the County.

(2) Permit. A home occupation shall not be established unless a ~~minor permit~~ business license is obtained.

(3) Performance Standards. All home occupations must comply with the following performance standards:

[a] The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes. Any activity which results from a home occupation shall be conducted within the enclosed portion of the principal building. ~~The home occupation must be conducted within an area not to exceed twenty-five (25) percent of the principal residence.~~

~~[b] A home occupation shall not be conducted in any accessory building or structure, except that a garage or accessory structure may be used for storage purposes if the storage area does not exceed a total of two hundred (200) square feet.~~

[c] No person(s) other than members of the immediate family residing on the premises shall be engaged in the activities of the home occupation.

- [d] There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment and materials, and no exterior indication of the home occupation which may change the outside appearance of the principal residence or change the residential character of the building.
- [e] No advertising for the home occupation on the premises is allowed except as provided for in Section 3.9(a)(4)(I) of this Code. No advertisement of the address of the property to attract customers, clients or the public to the premises is allowed. Window areas must not purposely or intentionally be used as display areas or offer merchandise for sale.
- [f] Retail sales or rentals conducted on the premises in connection with a home occupation are prohibited.
- [g] Home occupations shall not require internal or external structural alterations of the principal residence or the installation of equipment or machinery not customary in a residential area.
- [h] No open storage as defined by this Code shall be permitted in connection with a home occupation beyond the storage requirement permitted for a residential use.
- [i] No pedestrian or vehicular traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. No additional parking beyond that authorized pursuant to ~~§ 3.9(a)5,6~~ of this Code shall be permitted.
- [j] No home occupation requiring any equipment or processing which creates noise, vibration, glare, fumes, smoke and dust which disturbs neighbors and alters the residential character of the premises shall be permitted.
- [k] No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers causing

fluctuations in the line voltage off the premises.

[l] Delivery trucks shall not operate out of a residential area.

[m] Offices for certain home occupations, professions, and business activities may be permitted as home occupations; provided, however, they shall adhere to the general provisions of this Code and shall not violate any performance standard prescribed herein.

(4) Prohibited Home Occupations. Prohibited home occupations include, but are not limited to, the following occupations, professions, and business activities and those of a similar nature:

[a] Clinics, hospitals;

[b] Animal/veterinary clinics;

[c] Restaurants;

[d] Auto/truck/Recreational vehicle repair services;

[e] Child day care;

[f] ~~Building contractor/e~~Construction activities;

[g] Ambulance services;

[h] Taxi services;

~~[i] Beauty salons, barber shops;~~

[i] Auto/car sales, part sales;

~~[k] Appliance repairs;~~

(5) Enforcement and Revocation.

[a] A ~~minor permit business license~~ authorizing a home occupation is subject to revocation upon thirty (30) days

written notification to the ~~Department~~ County if it is determined that the continued use of the home occupation is contrary to public health, safety, and welfare or violates the provisions of the performance standards. The notice shall be sent via certified mail to the owner's address as written on the application for the home occupation permit.

[b] A petition signed by fifty-one (51) percent of the property owners residing within three hundred (300) feet of the home occupation may be submitted stating the alleged violation of one (1) or more specified performance standards and initiating a public hearing by the BCC to consider revoking the ~~minor permit business license.~~

(d) Temporary uses

(1) ~~Permitted~~ Uses. The following uses may be permitted upon the issuance of a minor permit:

[a] Real estate sales offices during the development of residential subdivisions in which the office is located, until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued. No permit authorizing such use shall remain valid for a period exceeding two (2) years unless extended by the Director pursuant to subsection (2) below.

[b] Temporary Construction Buildings. Temporary buildings and temporary building material storage areas to be used for construction purposes, which shall not be occupied, may be permitted for a specific period of time in accordance with a permit issued by the Director and subject to periodic renewal by the Director ~~for cause shown~~. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed to the satisfaction of the Director. No permit authorizing such use shall remain valid for a period exceeding one (1) year unless extended by the Director pursuant to subsection (2) below.

[c] Temporary automobile parking facilities, or designated areas for parking incidental to construction work provided,

however, that the parking area shall be seeded and grassed or covered with a pervious material such as gravel. No permit authorizing such use shall remain valid for a period exceeding one (1) year unless extended by the Director pursuant to subsection (2) below.

[d] Motion picture production activities in which filming occurs on location, excluding theaters and other buildings in which such activities occur on a permanent basis entirely within an enclosed structure.

(2) Extension of Minor Permit. A minor permit authorizing a temporary use may be extended for two (2) consecutive periods equal to the duration specified in subsection (1) above by the Director for good cause shown.

(3) No minor permit authorizing a temporary use may be authorized unless the following standards and criteria are satisfied:

[a] The applicant shall provide documentation from the Summit County Department of Health or the Snyderville Basin Sewer Improvement District that adequate arrangements have been made for the provision of temporary sanitary facilities.

[b] All authorized uses and activities shall occur between the hours of 8:00 A.M. to 6:00 P.M. provided, however, that filming on location may occur pursuant to subsection (1)[d] herein ~~for a period not to exceed two (2) hours between 6:00 and 8:00 A.M.~~

[c] The site shall be cleared of all debris ~~within thirty (30) days of at the end of the special event or cessation of the temporary use, and cleared of temporary structures within thirty (30) days after the closing event.~~ A cash bond for a minimum of ~~twenty five hundred (\$2,500) two thousand (\$2,000) dollars shall be posted or a signed contract with a disposal firm shall be required as part of the application for a minor permit to ensure that the premises will be cleared of all debris and restored during and after the event or temporary use.~~

[d] Public parking for the exclusive use of the facility shall be

provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.

[e] Traffic control arrangements required by the Summit County Sheriff's Department in the vicinity at major intersections shall be arranged by the applicant.

[f] A cash bond for a minimum of twenty-five hundred (\$2,500) shall be posted with Summit County to ensure the repair of any damage resulting to any public right-of-way as a result of the event or temporary use.

(e) Accessory buildings and uses.

(1) Accessory Buildings. Accessory buildings shall not be permitted absent a main building or primary use.

(2) Permitted Accessory Uses. The following uses shall be permitted within the following districts subject to issuance of a ~~minor development~~ permit as provided by this Code:

[a] Permitted Accessory Uses in the SL, CS, A, LDR, MDR and HDR Zoning Districts:

[1] Patios and decks.

[2] Private swimming pools and incidental installations such as pumps and filters.

[3] Private tennis courts.

[4] Garages.

~~[5] Satellite dishes in excess of 36" in diameter.~~

[6] Outdoor storage sheds.

[b] Permitted Accessory Uses in the NC, SC, CC, RC and LI Zoning Districts:

- [1] Signs, pursuant to Section 3.9(a) herein.
 - [2] Parking Lots.
 - [3] Trash dumpsters, provided that such structures are located to the rear of the principal building and are screened from view with wood or masonry fencing.
 - [4] Satellite Dish Antennae provided, however, that no more than one (1) such structure shall be located on any lot and such structure shall be screened.
- (3) One ~~accessory~~ dwelling units in the SL, CS, A, LDR, and MDR and ~~HDR~~ Zoning Districts ~~shall~~ may be allowed as an incidental residential use on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and must which meets the following standards:
- [a] The accessory dwelling unit must be constructed to the rear, and separate from, of the main dwelling, at a location approved by the Director.
 - [b] Each lot must have a minimum of two (2) acres upon which a detached accessory dwelling unit may be constructed 1/2 acre.
 - [c] The accessory dwelling unit may not be sold separately from sale of the entire property, including the primary dwelling unit, and shall not be sublet.
 - [d] Setback requirements shall be the same as for the main structure.
 - [e] Accessory dwellings are only permitted in conjunction with a main or primary structure.
 - [f] A minor permit and a building permit shall be required for an accessory dwelling unit.
- (4) Accessory dwellings constructed over a garage shall conform to

the height limitations of the primary structure.

~~(5) Area regulations for accessory buildings in residential zoning districts are:~~

~~(a) Front Yard: Detached accessory buildings shall be prohibited from being sited in front of the main building;~~

~~(b) Accessory buildings over two hundred (200) square feet shall meet all of the requirements (setbacks, construction, etc.) set forth for the main or primary structure.~~

(6) No minor permit for certificate of occupancy for an accessory building shall be granted until the primary use structure is completed.

~~(7) Leasing or renting an accessory building shall constitute a violation of this Code.~~

(8) Private swimming pools along with incidental installations such as pumps and filters, must be located outside of the required front yard and must be completely enclosed from adjoining lots by a solid wall or protective fence of not less than five (5) feet in height.

(9) Private tennis courts must not be constructed within twenty (20) feet of any adjoining property under other ownership. Tennis court fences or walls shall not exceed twelve (12) feet in height and any lights for the tennis court shall be subject to a minor permit and shall be placed so as not to direct or reflect light upon adjoining land.

(f) Residential facilities for the elderly.

(1) No residential facility for the elderly may be established unless:

[a] It is in an existing building and a minor permit has been issued; or

[b] It is in a proposed building, and a site plan and building permit have been issued; or

[c] If a conditional use permit is required within the applicable

zoning district, a conditional use permit has been issued.

- (2) ~~Within the MDR and HDR Zoning Districts, no~~ residential facility for elderly persons shall be constructed or operated unless in compliance with the following standards:
- [a] The facility meets all requirements of this Code and other building, safety and health ordinances applicable to similar dwellings;
 - [b] Adequate off-street parking space has been provided;
 - [c] The facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - [d] The facility is not located within three-quarters mile of another residential facility for elderly persons or residential facility for handicapped persons;
 - [e] No person being treated for alcoholism or drug abuse will be placed in the residential facility for elderly persons; and
 - [f] Placement in a residential facility for elderly persons is on a strictly voluntary basis and is not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- (3) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the standards established herein.
- (4) Discrimination against elderly persons and against residential facilities for elderly persons is hereby prohibited. A decision regarding an application for a permit by a residential facility for elderly persons shall be based on the criteria set forth herein, and shall not be based on the age of the facility's residents.
- (5) The provisions of this section shall not apply if the proposed use

constitutes a single-family dwelling and is occupied by one (1) family, as defined in Chapter 2 of this Code.

(g) Residential facilities for handicapped persons.

(1) No residential facility for handicapped persons may be established unless:

- [a] it is in an existing structure and a minor permit and building permit have been issued; or
- [b] it is in a proposed structure and a site plan has been issued; or
- [c] if a conditional use permit is required within the applicable zoning district, a conditional use permit has been issued.

(2) ~~Within the MDR and HDR Zoning Districts, a~~ residential facility for handicapped persons shall comply with the following criteria:

- [a] The residential facility for handicapped persons complies with all applicable requirements of this Code and other County building, safety, and health ordinances; and
- [b] The operator of the facility provides assurances that the residents of the facility will be properly supervised on a 24-hour basis; and
- ~~[c] The operator of the facility establishes a County Advisory Committee through which all complaints and concerns of neighbors may be addressed;~~
- [d] The operator of the facility provides adequate off-street parking spaces consistent with Chapter 5 of this Code;
- [e] The facility is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;

- [f] The proposed residential facility for handicapped persons is not located within three-quarters (3/4) of a mile of another residential facility for handicapped persons;
 - [g] No person being treated for alcoholism or drug abuse will be placed in the residential facility for handicapped persons;
 - [h] No person who is violent will be placed in the residential facility for handicapped persons; and
 - [i] Placement in the residential facility for handicapped persons is on a strictly voluntary basis and is not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- (3) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or if the structure fails to comply with the ordinances adopted under this part.
 - (4) Discrimination against handicapped persons and against residential facilities for handicapped persons is hereby prohibited. The decision of the County regarding the application for a permit by a residential facility for handicapped persons shall be based on the criteria set forth herein and may not be based on the handicapped conditions of the residents of the facility.

(h) Child Day Care

- (1) An establishment to be used for child day care activities shall be licensed or registered by the Department of Human Services of the State of Utah. Such establishment shall meet all minimum standards promulgated by the Department of Human Services.
- (2) The outdoor play areas of a day-care center shall be enclosed with a fence which shall be built and maintained with a minimum height of four (4) feet. A six (6) foot height solid fence shall be built and maintained along play areas that are adjacent to property in a residential Zoning District. ~~No play areas shall be permitted in the~~

front yard:

- ~~(3) In any residential Zoning District, no child day care establishment shall be located along any dead end or cul de sac road on which a child day care establishment is currently operating. In any case, the boundary of a parcel or lot containing a child day care establishment in any structure shall be separated from the boundary of any other parcel or lot containing a child day care establishment by not less than four hundred (400) or eight hundred (800) feet measured by the shortest road travelled distance, whichever is greater.~~
- (4) Loading and unloading of children from vehicles shall only be permitted on the drivewayproperty, approved parking area, or directly in front of the establishment.
- ~~(5) Such facility shall be limited to two thousand (1,000) square feet excluding playgrounds and other outdoor play facilities. No more than one hundred (100) children may receive care during a calendar day.~~
- (i) Park Development Standards. The following standards shall apply to approval of a site plan for park development:
- (1) All soccer, baseball and similar playfields shall have at least 40 parking spaces per field.
- (2) Lighted playfields shall have a maximum light intensity of fifty (50) foot candles, and shall also conform to the following criteria:
- [a] No light fixtures or poles with lights shall be located within 300 feet of any residential Zoning District.
- [b] All parking areas shall be screened from view of any adjacent residential usedistrict. Screening shall be opaque and be at least four (4) feet in height. Screening may consist of masonry or living materials.
- (j) Service Stations. Service stations shall conform to the following criteria:

- (1) Purpose. The purpose of this subsection is to prescribe standards for service stations in order to limit the potential for impairment of traffic flow on roads providing access to such uses; to minimize fire hazards and the contamination of groundwater resulting from the over-concentration of such uses within defined areas; to ensure adequate off-street queuing and ingress/egress; and to limit the noise and other negative impacts on adjacent land uses.
- (2) Separation. No service station shall be located within two-hundred (200) feet of a single-family dwelling or within five-hundred (500) feet of another service station.
- (3) Not more than one (1) service station may be located within two-hundred (200) feet of the intersection of any Major Road, Arterial Road or Collector Road with another Major Road, Arterial Road or Collector Road.
- (4) An opaque screening treatment shall be provided on all sides of the side that are located adjacent to residentially zoned and residentially used property.
- (k) Fast Food, Drive-In and Drive-Up Window Restaurants.
- (1) Purpose. The purpose of this subsection is to regulate fast food, drive-in and drive-up window restaurants in order to limit the potential for impairment of traffic flow on roads providing access to the use; to ensure adequate off-street queuing and ingress/egress; and to limit the noise and other negative impacts on adjacent ~~protected~~ land uses.
- (2) Drive-Through Lanes. Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by special striping, ~~or pavement markings or barriers~~. Drive-through lanes shall not cross or intersect the principal pedestrian access route to such establishment. Drive-through lanes shall be designed and located in such a manner as to minimize impacts on adjoining properties, and shall be screened and buffered in such a manner as to minimize noise impacts. An opaque screening treatment shall be provided on all sides of the site that are located adjacent to residentially zoned property.

~~(3) Pedestrian Crosswalks. Pedestrian crosswalks providing access to the facility shall be located adjacent to the drive through lanes and shall be clearly marked with special driving or pavement markings.~~

(4) Queuing distance shall be measured from the beginning of the pavement markings delineating the drive-through lane(s) to the order board or pick-up window, avoiding overlap with circulation lanes, sidewalks, or driveways.

(5) No fast food restaurant shall be located within two-hundred (200) feet of a single-family dwelling or within five-hundred (500) feet of another fast food restaurant.

(6) Not more than one (1) fast food restaurant may be located within two-hundred (200) feet of the intersection of any Major Road, Arterial Road or Collector Road with another Major Road, Arterial Road or Collector Road.

(1) Recreational Vehicles. The purpose of these additional standards is to ensure the safety and healthful occupancy of recreational vehicles:

(1) Area. No recreational vehicle park shall be constructed on a parcel of property which has an area of less than 25 acres.

(2) Density. Recreational vehicle parks shall contain not more than an average of 18 recreation vehicle spaces per acre. The spaces may be clustered provided that the land not used for individual spaces, roads, or parking is set aside and developed for park, playground, or service area. Not more than one recreational vehicle shall be placed on a recreational vehicle space.

(3) Site width. Each recreational vehicle site width shall be a minimum of 25 feet. Vehicles shall be separated from each other and from any other structure by at least 10 feet.

(4) Limit on occupancy. No individual recreational vehicle space in a recreational vehicle park shall be used by any one individual for a period longer than thirty consecutive days.

(5) Buffers. Landscaped buffers shall be provided between

recreational vehicle parks and adjoining residential uses.

3.10 Bulk and Area Regulations

(a) Minimum lot width in the SL, CS, LDR, MDR, HDR and SR Zoning Districts shall be one-hundred fifty (150) feet.

(b) Minimum front yard setbacks in the SL, CS, LDR, MDR, HDR, and SR Zoning Districts shall be thirty (30) feet.

(c) Minimum side yard setbacks in the SL, CS, LDR, MDR, HDR and SR Zoning Districts shall be twelve (12) feet provided, however, that a cluster development may reduce one side yard to six (6) feet if a twenty-four (24) foot separation is maintained between principal buildings on all lots.

(d) Minimum rear yard setbacks in the SL, CS, LDR, MDR, HDR and SR Zoning Districts shall be twelve (12) feet.

(e) Maximum height for buildings within each Zoning District shall be as follows:

(1) SL, CS, LDR, and MDR Zoning Districts; thirty (30) feet.

(2) HDR Zoning District; forty-five (45) feet.

(3) NC and SC Zoning Districts; forty (40) feet.

(4) CC Zoning District; sixty (60) feet.

(5) RC and LI Zoning Districts; not applicable.

~~(f) Minimum lot area. Minimum lot area for proposed developments in the HDR zoning district shall be ten (10) acres.~~

(g) The minimum setback along any major road shall be one-hundred (100) feet in any zoning district, subject to the provisions of Section 3.12 of this Chapter.

3.11 East Canyon Creek Conservancy Corridor (ECC) Overlay District

(a) Purpose. The Conservancy Corridor applies to land in a naturally-managed, 300 foot wide corridor throughout the Snyderville Basin to East Canyon Reservoir, with East Canyon Creek as its centerline. All proposed developments falling entirely or partially within the ECC Zoning District are encouraged to participate in programs to restore East Canyon Creek.

(b) Permitted Uses:

(1) Nature gardens.

(2) Nature Preserves.

(3) Stream enhancement activities, stream bank restoration, fish habitat, including trail heads and picnic areas.

(4) Trails and passive open space.

(c) Conditional Uses:

(1) Local utility facilities.

(2) Commercial campgrounds, including camp/picnic areas and group camps.

(3) Golf courses and country clubs.

(4) Park and recreation services.

(5) Water treatment plants and sewage treatment plants.

(d) Non-designated Uses: see § 3.8(f) of this Chapter.

(e) Prohibited Uses: see § 3.5(d) of this Chapter.

3.12 Enhancement Corridor (ENC) Overlay District

(a) Purpose. The ENC corridors shall be ~~used~~ applied along major roadway entrances for the protection of stream crossings, landscaping, trails, view lanes, entrance features and noise barriers. The corridor shall be designed to meander on both sides of the highways to preserve and enhance existing natural features.

The width of the corridor on each side of the highway shall be 100 feet measured from the highway right-of-way line. Project design shall preserve hillsides, stream crossings, vegetation and view corridors.

(b) Applicability. The Enhancement Corridor applies to landscape features and aesthetic qualities found along the roadway entrances to the Snyderville Basin. The ENC District is an overlay district intended for combination with selected base districts in order to accomplish the purposes set forth in subsection (a), above.

(c) Permitted Uses:

- (1) Nature gardens.
- (2) Nature Preserves.
- (3) Trails and passive open space.
- (4) Fences, subject to the following standards: a minor permit.

~~(a) The fencing design selected shall be compatible with the farm/ranch theme of the area. Fences shall be constructed entirely of wood or wood materials, such as railroad ties, or with wood slats and masonry posts.~~

~~(b) Private fencing shall be kept out of view or be of the same fencing style as the corridor fence.~~

~~(c) No fence, hedge, or wall shall be placed closer than twenty (20) feet to the right of way line of a Major Road.~~

~~(d) No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained except as follows:~~

~~(1) A temporary fence on a construction site may be erected and maintained subject to a minor permit, provided that such permit shall be valid for a period of not more than one (1) year. Such fencing shall be subject to the maximum height established in subsection (5) herein, to protect the property during the period of construction and~~

~~may have barbed wire where it is not less than eight (8) feet above the ground and does not extend more than two (2) feet above the temporary fence;~~

~~[2] In the SL or CS Zoning Districts, a barbed wire or electrically charged fence may be permitted provided that it is used as an internal fence, not on the periphery of the property, to contain livestock, crops, or plantings. No person shall maintain an electric fence without a minor permit, which shall not be issued unless the following requirements are met:~~

~~i) Controllers shall be approved by Underwriters' Laboratories and shall be so designated on an attached label;~~

~~ii) Electric fencing may not be located within five (5) feet of the periphery of the property and shall be located interior to a non-electric fence which completely encloses the yard;~~

~~iii) Electric fencing may not be located in a required yard abutting a road nor in a required vision triangle; and~~

~~iv) Electric fencing may not inhibit access by emergency equipment and operators thereof;~~

~~1e) No fence or wall may exceed five (5) feet in height, measured above finished grade measured on the side nearest the road;~~

~~1f) Fencing shall maintain earth tone colors and shall not be painted, but may be varnished or covered with visually unobtrusive materials designed to provide protection from the elements;~~

(d) Conditional Uses:

(1) Local utility facilities.

- (2) Golf courses and country clubs.
- (3) Park and recreation services.
- (4) View areas/scenic overlooks.
- (e) Non-designated Uses: see § 3.8(f) of this Chapter.
- (f) Prohibited Uses: see § 3.5(d) of this Chapter.

3.13 Agriculture Designated Development (DD-A).

(a) The following standards shall apply to all property designated as a DD-A Agriculture Designated Development:

- (1) Location. Property designated as DD-A shall be limited to areas within the SL or CS Zoning District.
- (2) Size and Development of Zone. Minimum acreage required for designation as DD-A Agriculture Designated Development shall not be less than ~~eighty (80)~~ ten (10) acres under single ownership for a minimum of three years prior to the application for a change in the Zoning District.
- (3) Use Regulations.
 - [a] Permitted Uses. The Permitted Uses shall be:
 - [1] Farms and establishments devoted principally to agricultural uses.
 - [2] Canning and preservation of fruits, vegetables, and seafoods.
 - ~~[3] Manufacturing of beverages, dairy products, grain mill products or bakery products (215).~~
 - ~~[4] Food preparation and kindred products manufacturing including the milling of cottonseed~~

~~oil, soybean oil and vegetable oil, manufacture of animal fats and oils; coffee manufacturing, manufacture of shortening, table oils, margarine and other edible fats and oils, ice manufacturing, and the manufacture of macaroni, spaghetti, vermicelli and noodles.~~

~~[5] Logging camps and sawmills.~~

~~[6] Communications towers.~~

[7] Facilities for the sale of wholesale farm products including cotton, grain, furs, tobacco, wool, livestock and horses.

[8] Retail farm and garden supplies.

[9] Historic sites.

[10] Golf courses.

[11] Country clubs.

[12] Riding stables.

[13] Camping and picnicking areas.

[14] Dude ranches.

[15] Group camps.

[16] Agriculture processing facilities including cotton ginning and compressing; grist milling; corn shelling; hay baling; threshing services; and contract sorting, grading and packaging services.

[b] Accessory Permitted Uses. The permitted accessory uses may be established pursuant to a minor permit:

[1] One single-family dwelling for occupancy by the family or household operating a farm.

[2] Driveways.

[3] Signs.

(4) Density Standards. The maximum number of dwelling units or square footage permissible shall not exceed that permitted in the underlying Zoning District.

(5) Maximum Building Area and Height Requirements. The maximum building area and height requirements shall be the same as those in the underlying Zoning District.

3.14 Special Residential Designated Development (SR).

(a) Purpose. The SR Designated Development area is established in order to implement the Special Residential Land Use Category of the Snyderville Basin General Plan Land Use Element and this Code, which permit higher densities for qualifying developments. The Special Residential designation is intended solely for the development of suitably priced housing meeting regional fair share housing affordability criteria established herein and in the General Plan at locations proximate to schools, shopping, transportation, employment and other support facilities. The following standards shall apply to all property designated as Special Residential Designated Development:

(b) Applicability. The Special Residential designation shall be limited to areas designated as HDR or RC on the General Plan Land Use Map.

(c) Size of Zone. The minimum acreage required for designation as Special Residential Density Development is ten (10) acres.

(d) Use Regulations. The Permitted Uses and Accessory Uses allowed within the Special Residential Land Use Category shall be the same uses as those permitted in the HDR Zoning District.

(e) Density Standards. See Section 5.9613 herein.

(f) Maximum Building Area and Height. The maximum building area and

height shall be the same as those in the HDR Zoning District.

(g) Set-Aside Requirements within HDR Zoning District. In addition to the use and bulk standards set forth herein, no subdivision plat, site plan or building permit shall be granted within an area designated SR unless the following criteria are satisfied:

(1) Not less than twenty-five percent (25%) of all dwelling units shall be leased or sold at rents or mortgage payments affordable to low-income households, an additional twenty-five percent (25%) of all dwelling units shall be leased or sold at rents or mortgage payments affordable to very-low income households, and the balance of all dwelling units shall be leased or sold at rents or mortgage payments affordable to moderate income households. For purposes of this section, the following terms and phrases shall have the following meanings:

[a] "Very-low income household" means and refers to a household earning not more than fifty percent (50%) of area median income, by family size, as established by the United States Department of Housing and Urban Development household income limits for the Section 8 program.

[b] "Low income household" means and refers to a household earning not more than eighty percent (80%) of area median income, by family size, as established by the United States Department of Housing and Urban Development household income limits for the Section 8 program.

[c] "Moderate income household" means and refers to a household earning not more than one hundred percent (100%) of area median income, as established by the United States Department of Housing and Urban Development household income limits for the Section 8 program.

[d] "Affordable" means and refers to rental or mortgage payments not exceeding thirty percent (30%) of area median income for the applicable income category.

(h) Enforcement.

(1) Prior to issuance of a final site plan or subdivision plat, the applicant shall record an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the real property designated SR for the purpose of ensuring that all dwelling units set aside pursuant to subsection (g)(1) remain affordable, as defined therein, for a period of not less than thirty (30) years.

(2) For any property under common ownership within an area zoned SR, no building permit for any non-residential use shall be issued until all affordable dwelling units, as defined herein, have been constructed.

Section 4. Chapter 4 is hereby repealed, and a new Chapter 4 is hereby enacted to read as follows:

CHAPTER 4 - DEVELOPMENT APPLICATION PROCEDURE AND APPROVAL PROCESS

4.1 Permits Required. No development or development activity may be undertaken within the unincorporated area of the Snyderville Basin unless all development permits or development orders applicable to the proposed development are issued in accordance with the provisions of this Code. ~~Owners of family owned tracts may apply for a minor permit, and shall not be required to obtain subdivision or site plan approval prior to applying for a building permit, if the following conditions are met:~~

~~(a) The proposed development complies with the density requirements of Section 5.9(f) herein;~~

~~(b) The dwelling units are limited, by a recorded deed restriction, to occupancy by spouses or lineal descendants for a period of not less than thirty (30) years;~~

~~(c) The owner shall exclude, by means of a deed restriction or similar restriction, rentals and home business occupations excluding existing agricultural uses; and~~

~~(d) Adequate water and sanitary sewer facilities shall be in place concurrent with the development of the residential units.~~

4.2 General Procedure.

(a) Initiation. An application for development approval or development permit shall be initiated by submitting the appropriate application to the Director.

(b) Review and Recommendation of Director.

(1) The Director shall review the application for sufficiency and submit a report to the Commission or the BCC as specified in the procedures set forth in the Code and the Administrative Guidelines for the permit under consideration. If the Director determines that the application does not contain information sufficient to determine the appropriate approval procedure or compliance with the Code, he shall serve a written notice on the applicant specifying the deficiencies of the application. The Director shall take no further action on the application unless the deficiencies are remedied. An Application for development approval shall be deemed insufficient if any relevant information is not provided, if the application form is not signed by the Applicant or authorized agent, or if other information, as may be specified by the Director and which is necessary to adequately review the application, is not supplied in a timely fashion.

(2) A determination of ~~completeness~~ sufficiency shall not constitute a determination of compliance with the substantive requirements of the Code, nor shall it indicate that the information submitted by the Applicant is accurate or has been verified.

(3) All development approvals shall be conditioned so that no building permit shall be issued on the subject property until all outstanding and current property taxes have been paid to date of approval.

(c) Legislative Actions. The Director or the BCC may, in their discretion, combine the processing and hearing of development permits, procedures for legislative action, or requests for subdivision, site plan or minor permit approval.

(d) Meetings and Public Hearings. All meetings and hearings of the BCC, Commission or ~~Board of Adjustment~~ BOA shall comply with Title 52, Chapter 4 of the Utah Code. Reasonable notice shall be provided for all public hearings required by this Chapter and the applicants shall either 1) be required to furnish self addressed, stamped envelopes for notification of all property owners and

public entities requiring notice or 2) pay the cost for the County to provide this service.

(e) Enforcement.

(1) Generally. This Code may be enforced by the County by any appropriate means authorized by State law and Summit County ordinances including, but not limited to, injunctive relief, fines, withholding of building permits and revocation of approvals/permits.

[a] It shall be the duty of the Director of ~~Community Development~~ to enforce these requirements and to bring to the attention of the County Attorney or his designated agent any violations of this Code.

[b] No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the ~~BCC Board of County Commissioners~~ in accordance with the provisions of these regulations and filed with the Summit County Recorder. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, lease or development is prohibited.

[c] No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this Code, nor shall the County have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of this Code.

[d] Violations and Penalties. Any person who violates any provision of this Code shall be subject to a fine of not more than \$ 750, and such fines and imprisonment that may be applicable pursuant to the provisions of Section 17-27-1003 of the Utah Code.

(2) Civil Enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of this Code, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described

above.

(3) Stay Order. Notwithstanding any provision of this Code to the contrary, in order to maintain the status quo pending the appeal of any decision hereunder or otherwise, the Director may issue a stay order mandating that all development activities cease in accordance with the terms of the order. Said stay order may be appealed to the BCC within five (5) days of the receipt thereof by an aggrieved person.

(f) Amendment to Development Permits. ~~If the holder of~~Amendments to an approved application for development approval ~~wishes to revise or to amend the permit, must be reapproved~~ in accordance with the procedures established for the original approval of the subject development permit ~~is required~~.

(g) Reapplication Following Denial. ~~Whenever~~If any application for a development permit is denied for failure to meet the substantive requirements of the Code, an application for all or a part of the same property shall not be considered for a period of one (1) year from the date of denial unless the subsequent application ~~involves a proposal~~is for a development that is materially different from the previously denied proposal or unless a majority of the members of the body charged with conducting the initial public hearing determines ~~that the prior denial was based upon the material mistake of fact. The body charged with conducting the initial public hearing under such successive application shall be responsible for all findings and determinations pursuant to this Section, resolve any questions concerning the similarity of the second application or other questions which may develop under this Section.~~

(h) Reconsideration/Revocation of Approvals and/or Permits. An application or permit may be reconsidered and revoked by the BCC in accordance with the procedures set forth herein. ~~Notwithstanding any other provision of this Code,~~ if it is determined that the application, decision, or permit was based on materially inaccurate or incomplete information.

(1) Duties of Director. If the Director determines, based on inspection by County staff, that there are reasonable grounds for revocation of a development permit authorized by this Code, he shall set a hearing before the BCC.

(2) Notice and Public Hearing. Reasonable notice of the proceeding to reconsider or revoke the development permit shall be given to the

applicant.

(3) Required Findings. The BCC shall revoke the development permit upon making one or more of the following findings:

[a] That the development permit was issued on the basis of erroneous or misleading information or misrepresentation provided by the applicant;

[b] That the terms or conditions of approval of the permit relating to establishment or operation of the use approved have been violated or that other laws or regulations of the County, State, Federal or Regional Agencies applicable to the development have been violated.

(4) *Decision and Notice.* Within ten working days ~~from~~of the conclusion of the hearing, the BCC shall render a decision, and shall notify the holder of the permit and any other person who has filed a written request for such notice in the manner provided herein.

(5) Effect; Appeals. A decision to revoke a development permit shall become final ten (10) days after the date notice of the decision was given, unless appealed to the BCC or BOA as the case may be. After such effective date, all activities pursuant to such permit thereafter shall be deemed in violation of this Code.

(6) Right Cumulative. The County's right to revoke a development permit, as provided in this Section, shall be cumulative to any other remedy allowed by law.

(i) Scope of Development Permit Approvals.

(1) *Except as otherwise provided in this Section, the rights conferred* by a development permit upon the filing of a complete application and approval by the BCC shall be limited to those development rights granted in the applicable provisions of this Chapter and the conditions attached to the subject permit.

(2) It is the intent of this Code that no vested right shall be conferred pursuant to an application for development approval except for the

following:

[a] an approved development agreement provided, however, that the development rights for which a vested right is conferred shall be limited to those development rights as specified in the agreement;

[b] an application for building permit as provided by applicable law;

[c] an application for final site plan or final subdivision plat as provided by applicable law.

(3) A development permit shall be considered void after one (1) year unless substantial construction or development has taken place or has continued in good faith without interruption. For purposes of this subsection, "substantial construction" shall mean and refer to the pouring or installation of footers or slab foundations for all proposed buildings; and "interruption" shall refer to six (6) months or more of construction inactivity on the development site; provided, however, that a longer period of time may be provided for a phased subdivision application or phased site plan application as set forth in a condition attached to a Master Preliminary Plat or policy contained in a Specific Plan. One (1) threesix-month extension of a development permit may be granted by the Director upon his finding that special circumstances exist which warrant such an extension including, but not limited to, a delay caused by a government review agency or a natural disaster.

(j) Fee for Processing. The BCC may establish, by resolution, an administrative fee for the processing and review of applications for development approval, appeals, and variances designed to recover an amount not to exceed the actual or anticipated costs of review.

(k) Inspections. In order to review and certify information relevant to an application for development approval subject to this Code the Director, Commission, or BCC may, at any reasonable time and for any proper purpose, and upon the written permission of the owner, enter upon any public or private premises and make an inspection thereof.

(l) Notwithstanding any provision of this Code to the contrary, the BCC shall

retain its full legislative powers to initiate amendment to the General Plan, revision to this Code, rezonings, or other proceedings for development approvals or permits.

4.3 Sketch Plan.

(a) Applicability. In the event that the Director requests a sketch plan, application for a development permit will not be considered by the Director or the BCC unless and until a sketch plan has been filed with the Director.

(b) Consideration and Effect of Sketch Plan.

(1) The Director shall discuss the sketch plan with the applicant at a preapplication conference. At the preapplication conference, the Director and the applicant shall discuss the procedure for development approval, the applicable standards of Chapter 5 herein, and any additional matters deemed appropriate.

(2) The sketch plan shall not constitute an application for development approval or development permit.

4.4 Amendment to General Plan

(a) Applicability.

(1) An amendment to the General Plan may be initiated by any property owner or any person residing in Summit County, the Commission, the BCC, or the Director by filing an application consistent with Section 4.4(b) herein.

(2) ~~An applicant may file an application for an amendment to the General Plan pursuant to Section 4.4(b) authorizing such development and, if such amendment is approved pursuant to subsection 4.4(c) herein, the applicant may file an application for development approval authorizing such development if such development is consistent with the General Plan amendments as approved by the BCC.~~

(b) Submission. An application for amendment to the General Plan or General Plan Land Use Map may be filed with the Director on a form ~~promulgated~~ established pursuant to Section 7.1 herein.

(c) Procedures for Amending General Plan Text.

(1) Except on a motion duly passed by the BCC, the petition for amendment shall be submitted to the Director at least 60 days prior to the January or July meetings of the Commission.

(2) The Director shall prepare a report at least 60 days prior to meeting with the Commission indicating whether the proposed amendment is consistent with the other Elements of the General Plan, the effect of the proposed ~~development~~amendment on the future growth of the County and the existing goals, objectives and policies of the General Plan, and listing any revisions to the Code that would be needed to implement the proposed amendment.

(3) Prior to recommending the adoption, rejection or revision of any General Plan amendment, the Commission shall hold a public hearing in accordance with the procedures in Section 17-27-304 of the Utah Code, after receiving the report of the Director and providing reasonable notice. The Director shall cause reasonable notice of the hearing to be published.

(4) After the Commission has issued its recommendation, the Director shall submit a certified copy of the General Plan amendment as recommended by the Commission, the report of the Director, any proposed revisions to the General Plan amendment, and the transcripts of the proceedings before the Commission to the BCC. Following receipt of a certified copy of the General Plan amendment from the Commission, the BCC shall schedule a public hearing to decide whether to adopt the amendment. The Director shall cause reasonable notice to be published. The BCC shall consider the proposed amendment and the recommendation of the Commission pursuant to the procedures established in Section 17-27-304 of the Utah Code. The BCC shall approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The BCC may approve a General Plan amendment only upon the affirmative vote of a majority of its total membership. If the BCC approves the proposed amendment as submitted or as revised, the BCC shall adopt the amendment by ordinance specifically referencing the same and shall cause to be affixed to the amendment the signatures of the Chairman of the BCC.

(d) Criteria for Approval of a General Plan Amendment. No amendment to

the General Plan may be recommended by the Commission or approved by the BCC unless such amendment is consistent with the other elements of the General Plan and the General Plan Land Use Map. In considering an amendment to the General Plan, the Commission and the BCC shall consider the following factors, among others:

- (1) The effect of the proposed amendment on the character of the surrounding area.
- (2) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan.
- (3) Consistency with the uses of properties nearby.
- (4) The suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
- (5) Whether the removal of the then existing restrictions will unduly affect nearby property.
- (6) The length of time the properties affected by the proposed amendment have remained vacant.
- (7) The gain to the public health, safety and welfare by the then existing classification and the proposed amendment.
- (8) The hardship imposed upon the individual landowner or landowners by the then existing classification.

(e) Effect of General Plan Amendment. From and after the effective date of a general plan amendment approved by the BCC, no amendments shall be made to the Snyderville Basin Development Code, nor shall any development order or development permit be approved or approved with conditions, unless such amendments, approvals and conditions are consistent with the adopted General Plan or element or portion thereof as amended.

4.5 Amendment to Zoning Regulations and Map.

(a) Applicability. Amendments to the text of Chapter 3 or the map of the zoning regulations-General Plan Land Use Map may be initiated by the Director,

by the Commission, by the BCC or by petition of a resident property owner or owner of a business located in Summit County. Requests for ~~zoning~~such amendments shall be submitted to the Director at least 60 days prior to the meeting of the Commission at which the petition will be considered.

(b) Submission. A petition for amendment ~~to the zoning map or the text of a zoning district~~ shall be filed with the Director on a form promulgated pursuant to Section 7.1(b).

(c) Procedures for Amending Zoning Regulations.

(1) The text of this Code or the ~~zoning map~~General Plan Land Use Map may be amended from time to time, consistent with the adopted General Plan.

(2) The Director shall refer the proposed amendment to the Commission for its recommendation. Within sixty days following the public hearing, the Commission shall file its written report and recommendation with the BCC recommending approval, modification or disapproval of the proposed zoning amendment. The BCC shall approve the amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The amendment shall be adopted by ordinance in accordance with all procedures established by law. Following approval of the amendment, the ~~zoning map~~General Plan Land Use Map shall be changed to show the new zoning classification.

(3) Conditions Attached to Zoning Map Amendments.

[a] The Commission may recommend and the BCC may attach such conditions to the approval of an application for a ~~zoning map~~General Plan Land Use Map amendment as are necessary to implement the General Plan and carry out the intent of this Code.

[b] Conditions shall be expressly stated in the approving ordinance.

(d) Criteria for Approval. No ~~rezoning~~land use classification amendment may be recommended for approval by the Commission ~~nor~~ approved by the BCC unless such ~~rezoning amendment~~ or conditions thereto are consistent with the

General Plan. In considering a zoning amendment, the Commission and the BCC shall consider the following factors, among others:

- (1) The effect of the proposed amendment on the character of the surrounding area.
 - (2) Consistency with the goals and policies of the General Plan.
 - (3) Consistency with the uses of properties nearby.
 - (4) The suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
 - (5) Whether the removal of the then existing restrictions will unduly affect nearby property.
 - (6) The length of time the properties affected by the proposed amendment have remained vacant.
 - (7) The gain to the public health, safety and welfare by the then existing classification and the proposed amendment.
 - (8) The hardship imposed upon the individual landowner or landowners by the then existing classification.
- (e) Effect of Rezoning Zoning Amendment. A ~~rezoning~~ zoning amendment shall not authorize the development of land. After a zoning amendment has been approved by the BCC, no development may occur until the following development permits have been issued by the County:
- (1) If the proposed development is consistent with the uses, densities and intensities of development authorized by the ~~zoning-district regulations and zoning map~~ Chapter 3 and the General Plan Land Use Map, as amended, and the development activities are not subject to Sections 4.6, 4.7 or 4.8 hereto, no development shall occur until a building permit has been issued by the Building Official.
 - (2) If the proposed development involves a conditional use or the subdivision of land, no development may occur until (1) any required conditional use permit is issued, (2) a final site plan has been approved in

accordance with Section 4.6 or a final subdivision plat has been approved in accordance with Section 4.7, and (3) a building permit has been issued by the Building Official.

(3) For developments of county impact or phased development applications, a specific plan or master preliminary plan shall be approved in accordance with the procedures of Sections 4.9 and 4.10.

4.6 Site Plan.

(a) Applicability. The following applications shall be required to obtain site plan approval ~~prior to filing an application for a building permit:~~

(1) Requests for zoning map amendments to mixed use, commercial, or industrial zoning districts; and

(2) Requests for conditional use approval.

(b) Approval Procedure. No site plan shall become effective, nor shall compliance with the provisions of this Code be determined, until a final site plan has been approved by the BCC.

(c) Effect of Site Plan Approval.

(1) Preliminary Site Plan.

[a] A preliminary site plan shall not authorize the development of land. After a preliminary site plan has been approved by the BCC, the applicant may file a final site plan.

[b] Effective Period of Preliminary Site Plan Approval. The approval of a preliminary site plan shall be effective for a period of one (1) year from the date ~~of that the preliminary site plan is approved by the BCC approval~~, at the end of which time the applicant must have submitted a final site plan for approval. If a final site plan is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new plan for sketch plan review subject to the then existing ~~zoning restrictions and subdivision regulations~~ provisions of this Code and the General

Plan.

(2) Final Site Plan.

[a] After a final site plan has been approved by the BCC and filed in the Office of the Summit County ~~Clerk~~Recorder, and no subdivision plat is required and no final subdivision plat application is pending, the applicant may apply for building permits consistent with the proposed site plan. No building permit application may be filed with the Building Official until the Director has certified that such application conforms to the approved site plan.

[b] The approval of a final site plan shall be effective for a period of one (1) year from the date that the final site plan is approved by the BCC, at the end of which time substantial construction shall have commenced and shall continue without interruption, as provided in Section 4.2(i)(3) of this Chapter or a building permit application has been submitted and is being reviewed by the Director. If substantial construction has not commenced within the one (1) year period, the final approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan for sketch plan review subject to the then existing provisions of this Code and General Plan.

4.7 Subdivision Review.

(a) Applicability. No subdivision may be filed or recorded in the office of the County Recorder, and no lots shall be sold within a subdivision, until a subdivision plat has been approved by the BCC.

(b) Approval Procedure.

(1) Generally. No subdivision plat may be approved until a recommendation has been received by the Commission and the BCC has rendered its decision approving or approving with conditions the application for subdivision approval. Applications for subdivision approval shall apply for and secure approval in accordance with the following procedures.

(2) An application for approval of a minor subdivision shall be initiated by filing a sketch plan consistent with Section 4.3 herein. Following the consideration of a sketch plan and a preapplication conference the applicant shall submit a final plat.

(c) Effect of Subdivision Approval.

(1) Preliminary Plat.

[a] A preliminary subdivision plat shall not authorize the development of land. After a preliminary subdivision plat has been approved by the BCC, the applicant may file a final subdivision plat.

[b] Effective Period of Preliminary Plat Approval. The approval of a preliminary plat shall be effective for a period of one (1) year from the date that the preliminary plat is approved by the BCC, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new plat for sketch plan review subject to the then existing ~~zoning restrictions and subdivision regulations~~ provisions of this Code and General Plan.

(2) Final Subdivision Plat.

[a] After a final subdivision plat has been approved by the BCC and recorded in the Office of the Summit County Recorder, the applicant may apply for building permits consistent with the proposed subdivision plat. No building permit application may be filed with the Building Official until the Director has certified that such application conforms to the approved subdivision plat.

[b] The approval of a final subdivision plat shall be effective for a period of one (1) year from the date that the final site plan plat is approved and signed by the BCC, at the end of which time such plat shall have been recorded as provided herein. Notwithstanding any time periods prescribed in Section 4.26(2) of this Chapter, substantial construction shall have commenced and

~~shall continue without interruption on at least fifty percent (50%) of the lots within such subdivision within two (2) years of recordation of the final plat. For purposes of this subsection, the terms "substantial construction" and "interruption" shall have the same meaning as the same terms in Sec. 4.2(1)(3) of this Chapter. If recordation and substantial construction have not occurred within the time period prescribed herein, the final approval shall be null and void, and the applicant shall be required to submit a new preliminary subdivision plat for sketch plan review subject to the then existing provisions of this Code and the General Plan.~~

(d) Amendments to Plats.

(1) Applicability. The BCC may, with or without a petition, consider, ~~after Commission review and recommendation,~~ any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any road or lot, contained in a subdivision plat at a public hearing.

(2) Vacation by Petition.

[a] Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this Section may, in writing, petition the BCC to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended as provided in this Section.

[b] If a petition is filed, the BCC shall hold the public hearing within forty-five (45) days after it is filed.

[c] A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a road or lot contained in a plat shall include:

[1] the name and address of all owners of record of the land contained in the entire plat;

[2] the name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered, or amended; and

[3] the signature of each of these owners who consents to the petition.

[d] Petitions that lack the consent of all owners referred to in Subsection [c] may not be scheduled for consideration at a public hearing before the BCC until the notice required by this Section is given. The petitioner shall pay the cost of the notice.

(3) Vacation by BCC. When the BCC proposed to vacate, alter, or amend a subdivision plat, or any road or lot contained in a subdivision plat, it shall consider the issue at a public hearing after giving the notice required by this Section.

(4) Notice of hearing for plat change.

[a] The BCC shall give notice of the date, place and time of a hearing to consider a vacation, alteration, or amendment without a petition, or to consider any petition that does not include the consent of all land owners as required by Section 17-27-808 of the Utah Code and Subsection (c)[d] herein, by mailing the notice of hearing to all owners referred to in Subsection (2)[c][2] herein, addressed to their mailing addresses appearing on the rolls of the county assessor.

[b] If the proposed change involves the vacation, alteration, or amendment of a road, the BCC shall give notice of the date, place, and time of the hearing by:

[1] mailing notice as required in Subsection (4)[a]; and

[2] either:

i) publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in Summit County; or

ii) if there is no newspaper of general circulation in Summit County, post the notice for four (4) consecutive weeks before the hearing in

three (3) public places in Summit County.

(5) Grounds for vacating or changing a plat.

[a] Within thirty (30) days after the public hearing required by this Section, the BCC shall consider the petition.

[b] If the BCC is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the BCC, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any road or lot.

[c] The BCC shall ensure that the vacation, alteration, or amendment is recorded in the Office of the County Recorder.

(6) An aggrieved party may appeal the BCC's decision to district court as provided in Section 17-27-1001 of the Utah Code.

~~4.8 Conditional Use Permits.~~

~~(a) Applicability.~~

~~(1) Conditional uses are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.~~

~~(2) Only those uses that are enumerated as conditional uses in a zoning district shall be authorized by the BCC. A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a site plan has been approved in accordance with the provisions of this Chapter.~~

~~(b) Approval Procedure. As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review and approval by the Commission and the BCC only if the applicant demonstrates that:~~

- ~~(1) — the use is in accordance with the General Plan;~~
- ~~(2) — the use conforms to all applicable provisions of the Code, General Plan and state and federal regulations;~~
- ~~(3) — the use is not detrimental to the public health, safety and welfare;~~
- ~~(4) — the use is appropriately located with respect to adequate public facilities;~~
- ~~(5) — the use shall not result in any undue adverse impact on any existing water quality and wetlands as measured by official state standards and enforced by the State;~~
- ~~(6) — the use is compatible with the existing neighborhood character and consistent with the character and purpose provision of the applicable zoning district, and shall not adversely affect surrounding land uses.~~

4.9 Master Preliminary Plans.

- (a) Applicability. Applicants submitting a phased subdivision application or phased site plan application may file a Master Preliminary ~~Plat~~ Plan with the Director in a form consistent with Section 7.1(b) herein.
- (b) Approval Procedure. Following approval of a Master Preliminary ~~Plat~~ Plan, no site plan or subdivision plat for any phase of the proposed development may be approved unless such application is consistent with the Master Preliminary ~~Plat~~ Plan.

4.10 Specific Plans.

- (a) Purpose. The intent of this ~~division~~ section is to provide for the systematic implementation of the Snyderville Basin General Plan, ~~and to provide by making available~~ a streamlined development review process for large, multi-phased development proposals ~~and in order~~ to prevent the waste of public and private resources and the escalation in the cost of development associated with duplicative land development regulation amendment and project approval requirements. This ~~division~~ section is further intended to provide a consolidated framework for the processing of preliminary and final subdivision plats, site plans, and development agreements pursuant to this Code.

(b) Applicability.

(1) Specific Plan Optional. A phased subdivision application may be accompanied by a Specific Plan meeting the requirements set forth herein. If the Applicant submits a Specific Plan, no building permit shall be issued for or within the phased subdivision or site plan unless (1) the Specific Plan has been approved as provided herein; (2) the phased subdivision application, master preliminary plan, and all subdivision plats and site plans filed pursuant to the Specific Plan are consistent with the Specific Plan.

(2) Specific Plan Mandatory. No preliminary subdivision plat or site plan, building permit or other development order or development permit shall be issued or approved for a development of county impact, as defined in Appendix I, unless a Specific Plan has been approved as provided herein unless such development is consistent in all respects with the General Plan and Code provisions in effect at the time an application for such development is filed.

(c) Effect of Specific Plan Approval. If a proposed Specific Plan becomes effective, no development orders applicable to the geographic area encompassed by the Specific Plan shall be approved unless such development orders are consistent with the Specific Plan. Following the approval of a Specific Plan as provided herein, all land development regulations implementing the Specific Plan and all development orders approved within the Specific Plan area shall be consistent with the Specific Plan, including the land uses, densities and intensities and other aspects of development regulated by the Specific Plan.

4.11 Development Agreements.

(a) General. The County may, but under no circumstances is it required, to enter into a Development Agreement with an applicant for development approval. The Development Agreement shall constitute a binding contract between the applicant and the County (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section. The ~~Director of Community Development~~ and the County Attorney, or their designees, are authorized to negotiate Development Agreements on behalf of the County.

(b) Criteria for Entering Into a Development Agreement. The County may

enter into a development agreement pursuant to this chapter only if:

- (1) the development agreement has been duly adopted in accordance with the provisions of this Chapter;
- (2) the development agreement is associated with a phased subdivision or site plan application for a proposed development meeting the following size thresholds:
 - [a] for residential developments, a cumulative project size of not less than 100 acres for all phases of the proposed development, and not less than one-hundred (100) dwelling units; or
 - [b] non-residential developments, a cumulative project size of not less than 100,000 square feet of gross square footage excluding parking and loading areas, and not less than 20 acres; or
 - [c] the proposed development is a development of county impact.
- (3) the proposed development to which the development agreement pertains is in conformity with the ~~then-adopted~~ gGeneral ~~p~~Plan and capital improvements program, zoning regulations, impact fee regulations and other applicable requirements; and the proposed development subject to the agreement contains outstanding features which advance the policies, goals and objectives of the gGeneral ~~p~~Plan beyond mere conformity, in accordance with the criteria established in the Code and other development regulations; or, the property owner agrees to contribute capital improvements which exceed the development's proportionate share of the costs of the facilities needed to serve the development and which thereby advance provision of such facilities to serve the County.
- (c) Effect of Approval. For applications submitted pursuant to a Phased Subdivision Application and which are subject to a Development Agreement with the County, it is hereby expressly declared that the intent of this provision is to create a vested right in the applicant or owner of property as set forth pursuant to the terms of the agreement.
- (d) Covenants. Any covenant by the County contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-

judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain a proviso that the County may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety and general welfare. The covenant shall contain the additional proviso that the County may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

(e) Third Party Rights. Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who/which is not a party to the Development Agreement.

4.12 Building Permits.

(a) Applicability. No development shall occur except pursuant to a validly issued, unexpired and unrevoked building permit.

(b) Building permit required. Any applicant for a building permit shall submit an approved final site plan, final subdivision plat, and, if applicable, a conditional use permit, master preliminary plat, specific plan or development agreement prior to ~~the~~obtaining issuance of a building permit. The permittee shall proceed only in accordance with the approved development permit and any approved conditions, and shall agree by recorded document to convey no portion of the parcel without first obtaining final approval in accordance with the provisions of ~~the~~is Code.

4.13 Certificates of Occupancy.

(a) Applicability. A certificate of occupancy shall be required before any structure or premises, or part thereof, hereafter erected, changed, converted, moved, altered or enlarged wholly or in part, may be used or occupied. No certificate of occupancy shall be issued permitting the use or occupation of any such structure or premises unless:

(1) If a building permit was required, the ~~plans and application approved~~construction pursuant to such permit as reflected in the approved building have been fully completed and accomplished; or

(2) If no building permit was required, the use conforms to this Code and all other applicable statutes, ordinances and regulations, or the use is

a valid legal non-conforming use in accordance with Section 4.14-; and

(3) Payment of all applicable impact fees and other regulatory fees and requirements have been made.

4.14 Determinations of Vested Rights and Other Disputes. The BCC may develop a procedure for recognizing vested development rights under Utah law as amendments are made to this Code from time to time, to provide certainty and predictability in the development approval process for affected landowners, to protect the continuing planning process as the Snyderville Basin General Plan is updated and implemented, and to effectuate the public policy favoring the settlement of disputes. Said procedure may ~~establish a procedure for~~include the processing of consent agreements for the settlement of disputes pertaining to vested rights or other legal claims arising from this Code.

4.15 Concurrency Management.

(a) Applicability. From and after the effective date of this Code, no development permit shall be granted, approved or issued unless public facilities in the applicable impact area have been determined to have adequate capacity to accommodate the proposed development at the adopted level of service standard and to be available when the development occurs.

(b) Procedures for the Processing of Applications, ~~the~~ and for Determinationing of Concurrency.

(1) The Director shall evaluate an application for development approval pursuant to the adopted level of service standards and availability of public facilities and, based upon such evaluation, ~~Based upon his review and evaluation, the Director shall~~ recommend the following to the Commission and BCC:

[a] If public facilities are adequate and available at the adopted level of service standards, the Director shall recommend approval of the application for development approval so long as the other standards of Chapter 5 are met;

(2) If ~~off-site~~ public facilities needed to meet the adopted level of service standard are not available and the conditions set forth below are not met, the Director shall recommend that the total permissible dwelling units or square footage for the application for development approval be

reduced to twenty-five percent (25%) of the level otherwise permissible pursuant to Section 5.9 herein provided, however, that the County reserves the power to deny all development in the event that adequate on-site public facilities do not exist or otherwise pursuant to its police powers in order to prevent a public harm and to protect the health, safety and general welfare of the public.

[a] If the public facilities needed to meet the adopted level of service standard are not available, or existing public facilities do not meet the adopted level of service standards but planned capital improvements will provide capacity sufficient to meet the adopted level of service standards, the Director may recommend that the application for development approval be approved subject to the following conditions:

[1] deferral of the issuance of building permits until all public facilities are available and adequate;

[2] reduction of the density or intensity of the proposed development to a level consistent with the available capacity of public facilities; or

[3] provision by the Applicant of the public facilities necessary to provide capacity to accommodate the proposed development at the adopted Level of Service and at the time the impact of the development will occur.

(c) ERU Allocation. From and after the effective date of this Code, no development or development application to which this Section is applicable shall be approved unless the development has received an ERU allocation pursuant to the procedures set forth herein. The ERU allocation shall reflect the maximum amount of development that may be constructed throughout the County or defined areas of the County, measured in ERU's, without exceeding the capacity of existing and programmed public facilities, pursuant to the adopted level of service. The Director shall not issue development permits authorizing the construction of any development which, when combined with existing and approved development as described in subsection herein, would generate a demand for public facilities exceeding the annual ERU allocation schedule.

(d) Priorities for ERU Allocation. The Director shall calculate, on a semi-

annual basis, the available allocation (*i.e.*, the available public facilities capacity) for public facilities based on the adopted levels of service.

(1) The maximum quarterly ERU allocation shall be allocated on a first-come, first-served basis as development permit applications are received. If public facility capacity for any given year is insufficient to accommodate all allocation applications that have been received, allocations shall be made as follows:

[a] Order of Priority. The order of priority in allocating applications for ERU allocations shall be the order in which allocation applications are accepted as sufficient and ready for detailed review by the BCC.

[b] A copy of the current Allocation schedule, as updated quarterly, shall at all times remain on file in the Offices of the Department of Community Development and shall be available for public inspection during regular business hours.

[c] Notice of Unavailability of Permits. If an allocation application has been approved for issuance, but there are inadequate allocations available to allow the issuance of a building permit, the Director shall notify the applicant in writing of the unavailability of such allocations. Within fourteen (14) calendar days of the date of receipt of such written notice, the applicant shall have the following options:

[1] The applicant may notify the Director, in writing, of ~~its~~a desire to withdraw the application; or

[2] The applicant may notify the Director, in writing, of ~~its~~a desire to have the ~~allocation~~ application retained by the Director until such time as adequate allocations are available to permit the issuance of the development permit.

[3] ~~Modifying Plans to Reduce Density or Intensity. If~~
The applicant may notify the Director, in writing, of a
desire to elects to have its development permit
the application retained by the Director, then during any
resulting period of delay in the issuance of a development

~~permit, the applicant may propose~~but with the option of proposing modifications ~~into~~ the approved development plan and ~~permit~~ application to decrease the density or intensity of the approved development. The remaining capacity shall be determined and reallocated pursuant to this Section. If the proposed modification is generally consistent with the development plan and development permit application previously approved, as determined by the Director, and an adequate ERU allocations ~~are~~is available for the modified development, building permits shall be issued for the modified development.

[d] **Priority When Development Permits Become Available.** If adequate ERU allocations become available to allow the issuance of the approved, but unissued, development permit applications, the Director shall give written notice of such availability to the applicant having first priority in accordance with the procedures set forth herein. The applicant shall have fourteen (14) calendar days after the date of receipt of such notice to obtain the development permit. If not obtained within such time, the applicant shall be deemed to have waived its priority position as to all other development permit applications then approved for issuance, and the Director shall issue a notice of availability of allocations to the applicant having the next priority position.

[e] **Carry-over of Allocations.** Any allocation which becomes available because of the expiration or release of an unused development permit shall be added to the allocation available for the current year. Any allocation not used during any year will be carried forward to the next year.

Section 5. Chapter 5 of the Snyderville Basin Development Code is hereby repealed and a new Chapter 5 is enacted as follows:

CHAPTER 5 - STANDARDS FOR APPROVAL OF DEVELOPMENT PERMITS

5.1 Establishment of Development Standards.

(a) **Purpose.** The purpose of these development standards is to protect the general health, safety and welfare of the citizens of Summit County, and to implement the Snyderville Basin General Plan by controlling the type, location, density, intensity, and other characteristics of development within the Snyderville Basin Zoning District.

(b) All development orders and development permits shall comply with the provisions of this Chapter, the standards contained herein and the policies of the Snyderville Basin General Plan. Such compliance shall be a condition precedent to the issuance of a development order or approval of a development permit.

5.2 Environmental Criteria.

(a) **Air Quality.** Developments which produce emissions to the air shall demonstrate compliance with all State air quality standards, as evidenced by the issuance of any permits required for their emissions by the State. Any fireplace or woodburning devices shall meet applicable, minimum EPA requirements as set forth in title 40, part 60, subpart AAA of the Code of Federal Regulations ("Standards of Performance for New Residential Wood Heaters"), which is incorporated by reference as if set forth in its entirety herein. Compliance with this standard shall be evidenced by a permanent label affixed to such device consistent with 40 C.F.R. Section 60.536, which label shall indicate that such appliance complies with the standards of the federal Environmental Protection Agency and that such device has been approved for sale.

(b) **Water Quality.** Developments which produce any point source discharge to any watercourse shall demonstrate compliance with all State water quality standards, as evidenced by the issuance of any permits required for their discharge by the State. Developments which produce any non-point source discharge to any watercourse or which may potentially affect water quality through nonpoint discharges (including sediment, herbicides, pesticides and hydrocarbons) shall demonstrate that their construction and occupancy will not result in any degradation of present water quality.

(c) **Watershed Protection.** In all developments no use or structure shall be permitted within 1500 feet above and 100 feet below each spring used for culinary use or public

water supply where such use or structure could possibly pollute such water source.

(d) Sewage Disposal.

(1) Connection to the facilities of the Snyderville Basin Sewer Improvement District is required for all developments, except that in cases where unplatted individual lots in the Rural Tier are beyond 300 feet of existing public sanitary sewer facilities, on-site systems may be used. Proposed residential development projects consisting of six (6) or fewer lots or units located in an area where the Snyderville Basin Sewer Improvement District's Master Plan calls for extension of the wastewater collection system within a 3 year period may, at the discretion of the BCC, utilize interim sewage disposal facilities, subject to approval of the County Health Department and written approval of the Sewer District. The Sewer District's written approval shall include confirmation of approved plans for installation of the on-site sewer collection facilities and prepayment of the sewer connection fees to guarantee connection to the sewer trunk line at the time of extension.

(2) On-site sewage disposal systems shall be sited and constructed in accord with State and County health regulations and standards, as evidenced by issuance of the permits necessary to construct any such system by the appropriate authority.

(e) Revegetation/Erosion Protection/Runoff Control. Development plans shall preserve significant existing vegetation to the extent possible; shall provide for appropriate, prompt revegetation or erosion protection measures; and shall provide for surface water runoff control in accordance with Summit County Engineering Standards.

(1) No development shall be approved which results in soil loss exceeding the site's soil loss tolerance. Developers may use a variety of conservation techniques to limit soil loss to tolerable levels. Where such techniques are proposed they shall be presented in a professionally prepared Grading and Conservation Plan which is attached to the application for a permit.

(2) All developments shall minimize the area disturbed by construction activities at any given time, particularly cuts and fills associated with road construction. Phased site grading and stabilization or revegetation shall be part of the Grading and Conservation Plan. Soil loss tolerance limits are defined by the Soil Conservation Service (USDA). Soil loss will be predicted for both

construction and occupance phases of developments using the method described in the Universal Soil Loss Equation, as follows:

$$A = RKLSC$$

where:

- A = long term annual erosion in tons/acre/year
- R = rainfall erosivity, or 22 tons/acre/year
- K = soil erodibility factor derived from Soil Conservation Service
- LS = slope gradient and length
- C = cover values.

(3) Buildings shall not be located on soils with severe limitations for any of the proposed uses, unless fully mitigated by appropriate design and construction techniques. Limitations on development may be due to any of a number of factors including the depth to bedrock or a water table, soil permeability, the soil's propensity to shrink and swell and other factors, as determined by the Soil Conservation Service (USDA).

(f) Cut and fill slopes. All cut and fill slopes in excess of 3:1 shall be properly stabilized and revegetated, as evidenced in a professionally prepared Grading and Conservation Plan attached to the application for a permit.

(g) Wildlife Habitat and Fisheries.

(1) Any development which has the potential of adversely affecting critical wildlife habitat or Class 2 fisheries, as evidenced by written testimony of the Utah Division of Wildlife Resources (UDNR) or other authoritative source, shall take all reasonable steps to minimize such impacts.

(2) Developments shall preserve critical wildlife habitat areas or floodplain corridors along streams supporting fisheries.

5.3 Critical Areas. Development within Critical Areas, as defined in subsections (a) through (e) below, is prohibited. All structures, buildings, impervious surfaces and other development on a lot or unsubdivided parcel shall be clustered on areas of the lot or parcel that do not contain Critical Areas.

(a) Geologic Hazards. The development layout and design shall avoid areas which may be adversely affected by geologic hazards. A variance of this prohibition may be

obtained in cases where the developer demonstrates that the geologic hazard is fully mitigated by appropriate design and construction techniques. Geologic hazards include any kind of slope instability (landslides, rockfall, mudflows) or ground subsidence that may result from natural or man-made conditions and also any kind of seismic activity.

(b) **Avalanche Tracks.** The development layout and design shall avoid areas which may be adversely affected by avalanche tracks. All known avalanche tracks are declared to be critical areas because of the high probability that development in such hazardous areas will result in property damage, damage to public utilities and roads serving the development, and, possibly, injury or loss of life to occupants.

(c) **Critical Slopes.** Development layout and design shall be prohibited in areas which include slopes exceeding thirty percent (30%). Slopes exceeding thirty percent (30%) are declared to be critical areas because there is a high probability that on-site and downslope property damage and water quality, fisheries and wildlife habitat deterioration will result from their development. Revegetation difficulties are compounded by the Snyderville Basin's short growing season, making the reclamation of disturbed slopes very costly. ~~Development, if appropriate on slopes between 15% and 30% shall strictly conform to the requirements of § 5.7(i) of this Code.~~ Development on slopes over fifteen percent (15%) and less than or equal to thirty percent (30%) shall be regulated as follows:

(1) The arrangement and location of structures and impervious surfaces shall minimize the potential of instability, rapidly accelerated stormwater runoff, erosion, and soil loss.

(2) Submission of a professionally prepared Grading and Conservation Plan which specifies all measures taken to assure slope stability and to prevent accelerated runoff and erosion is required. The design of all structural elements (such as permanent and temporary access roads) included in such a plan shall be certified by a licensed professional engineer with demonstrated experience in slope stabilization.

(d) **Floodplains.** All areas within a 100 year floodplain (as mapped for the Federal Flood Insurance program) or where the prevailing or potential natural vegetation is riparian are declared to be critical to the maintenance of the Basin's natural hydrologic systems, fisheries and wildlife habitat. Development of floodplain areas has a significant potential to adversely affect wildlife, water quality, and if it modifies the floodway, adjoining, upstream and downstream properties, roads and other public facilities. Development in floodplain areas may also be constrained by a high water table which

raises the cost of installing and maintaining utilities. Finally, floodplain development adversely affects all taxpayers through public expenditures to prevent or clean up flood damages.

(1) Development layout and design shall be prohibited in areas which include floodplains.

(2) Where floodplain areas, including those maintained as open space, are modified any action which may increase flood hazards or adversely affect water quality or fisheries shall be avoided. Such actions may include, but are not limited to, stream channel modifications, the storage of floatable or potentially polluting materials, and the construction of stream crossings.

(3) Plantings or natural stone (as opposed to scrap metal, junked vehicles or concrete slabs) shall be used where stream channels are required to be stabilized.

(e) Wetlands. Development of high and moderate value wetlands has a significant adverse effect on water quality, the rate and volume of stormwater discharge, and wildlife. Development layout and design shall be prohibited within all high value wetlands and shall be strictly regulated in moderate value wetlands as identified by the Army Corps of Engineers or other authoritative source.

5.4 Compatibility Assessment. The proposed development shall be reasonably compatible and sensitive to the immediate environment of the site and neighborhood relative to scale, bulk, exterior building materials and design and building height; density and historical character; disposition and orientation of buildings on the lot; buffering; and visual integrity. Development layout and design shall avoid land use conflicts which are likely to arise between land uses including issues involving noise, odor, dust, light, attractive nuisance, shadow, aesthetics, privacy, access and safety.

5.5 Off-Site and Project Infrastructure.

(a) Methodology and Criteria for Determining Availability and Adequacy of Public Facilities Consistent with Adopted Level of Service Standards. Prior to issuance of any development order as provided in Section 4.15 herein, the applicant shall demonstrate that all necessary public facilities and services are or will be available and adequate, as measured by the level of service standards of Policy 16.1 of the Land Use Element of the Snyderville Basin General Plan.

(1) Level of Service Standards. Compliance with level of service

standards shall be measured in accordance with the adopted level of service standards, as the same may be amended from time to time, which are incorporated by reference as if set forth in its entirety herein.

(2) Availability of Public Facilities. For purposes of issuing a concurrency determination, public facilities shall be deemed to be available if they meet the following standards:

[a] the public facilities are currently in place or will be in place when the development permit is issued and the development permit is conditioned on the availability of public facilities prior to approval of a final subdivision, final site plan or a minor permit; or

[b] provision of the public facilities are a condition of the development order or development permit and are guaranteed to be provided at or before the issuance of a final subdivision, site plan or minor permit for proposed development on the subject property; or

[c] the public facilities are under construction; or

[d] an enforceable development agreement guarantees that the facilities will be in place at the time that the impacts of the development will occur; or

[e] the public facilities needed to attain the adopted level of service standard are subject to a binding agreement for the commencement of construction of the required facilities within six (6) months of the issuance of the development order or permit; or

[f] the public facilities needed to attain the adopted level of service shall be programmed capital improvements.

(3) Adequacy of Public Facilities. The available capacity for public facilities and services shall be determined in accordance with the following calculation methodology:

[a] Adding together the total capacity of existing and planned capital improvements for a public facility;

[b] Calculate available capacity by subtracting from the total capacity of subsection [1] herein the sum of:

[1] the demand for each public facility created by existing development; and

[2] the demand for each public facility created by the anticipated completion of committed development; and

[3] the demand for each public facility created by the anticipated completion of the proposed development under consideration for concurrency determination.

(b) Private Utilities. No application for development approval shall be approved unless private utilities capacity to serve a proposed development, as evidenced by a letter from each utility, is provided by the applicant. Evidentiary letters shall include a statement that the utility presently has both sufficient capacity and, based on plans submitted by the developer, adequate rights-of-way or easements to provide services.

(c) Sewerage.

(1) Adequate capacity to serve the proposed development shall be certified, in writing, by the Snyderville Basin Sewer Improvement District. For purposes of this subsection, certification shall be on the basis of ability to serve pursuant to both a planned capital improvement program and a sewer district wastewater facilities plan establishing service availability within five years of final plat or final plan approval. Certification shall not contractually bind the Sewer District to reserve actual plant capacity.

(2) Easements or rights-of-way required for sewer service by the Snyderville Basin Sewer Improvement District shall be provided by all developments, as evidenced by letter. The required approval from the Sewer District may be a letter indicating final design approval, a letter verifying that signed easements have been submitted, and/or the District's signature of approval on the final plat or site plan.

(3) Where the Snyderville Basin Sewer Improvement District Master Plan calls for sewer main sizes through a development that are larger than necessary to serve the development, the larger main shall be installed in accordance with District policy.

(d) Transportation. No development application may be approved which causes a reduction in the level of service for any road below the adopted level of service "C" as measured by the Transportation Research Board, Highway Capacity Manual (Special Report 209, 1985) as set forth in Policy 16.1 of the Land Use Element of the Snyderville Basin General Plan, as such may be amended from time to time.

(1) Access to Existing Roads. All points of access to existing public roads or highways shall meet ~~UDOT standards. These~~ the standards are summarized in Table 3 set forth in A Policy of Geometric Design of Highways and Streets 1990, as published by the American Association of State Highway and Transportation Officials (AASHTO), which is hereby incorporated by reference as if set forth in its entirety herein; and subsections [a] through [d] hereto. The design and construction of turn lanes, merging lanes, traffic signs or signals and other improvements required to make access points conform to ~~the UDOT Summit County standards referred to above~~ shall be the responsibility of the developer.

[a] Intersections

[1] Grade. The grade within one-hundred (100) feet of any intersection shall not exceed three percent (3%).

[2] Hazards. Intersections shall not create hazardous driving conditions. The site design shall avoid curves in the roadway and the crests of hills at intersection locations.

[3] Alignment. Roadways shall be within ten percent (10%) of a perpendicular alignment within one-hundred (100) feet of any intersection.

[4] Intersection Offsets/Spacing. Intersection offsets shall be based upon the roadway classification, and shall be measured as follows:

underline - addition
~~strikethrough~~ - deletion
~~redline underline~~ - PC addition
~~redline strikethrough~~ - PC deletion

| <u>Road Classification</u> | <u>Offset</u> |
|----------------------------|-----------------|
| <u>Local</u> | <u>125 feet</u> |
| <u>Collector</u> | <u>330 feet</u> |
| <u>Arterials</u> | <u>600 feet</u> |

[b] Access Points

[1] Spacing. Except as provided in Section 5.15 hereto, access drives shall be spaced according to the following table:

| <u>Road Classification</u> | <u>Minimum Spacing</u> | <u>Minimum Distance from Intersections</u> |
|----------------------------|------------------------|--|
| <u>Local</u> | <u>35 feet apart</u> | <u>50 feet</u> |
| <u>Collector</u> | <u>50 feet apart</u> | <u>75 feet</u> |
| <u>Arterials</u> | <u>not applicable</u> | <u>not applicable</u> |

[2] Arterial access. Access points to arterial roads shall be minimized.

[c] Traffic Control. The applicant shall, at its own expense, be responsible for constructing and placing traffic control signs, as follows:

[1] Stop signs. Stop signs shall be placed at all intersections of arterials or of collectors and arterials.

[2] Yield signs. Yield signs shall be required at the intersection of all collectors or of local streets and collectors.

[3] Road signs. Road identification signs shall be placed at all road intersections.

(2) Road Maintenance. All subdivisions and developments where local streets

underline - addition
 strikethrough - deletion
 redline underline - PC addition
 redline strikethrough - PC deletion

roads are intended for public maintenance shall be annexed to ~~Summit County Service Area #6~~ an appropriate service area or other service provider which provides local ~~street road~~ road maintenance including snow removal. Where residential developments are ~~platted as Condominiums with local streets~~ roads included as part of the common facilities, public maintenance is not contemplated. ~~In such cases, participation in the service area shall not be required if maintenance responsibilities are assumed by the condominium council.~~

(3) Future Road Capacity. The applicant shall make an offer of The dedication of any rights-of-way which are within but will not serve a development, but which are necessary to effectively link the proposed development with future major roads or future developments or to prevent the "landlocking" of adjoining properties ~~or public lands is required prior to approval of a preliminary subdivision plat or site plan.~~

(4) Future Road Improvements. The dedication of the wider rights-of-way necessary to facilitate road improvements called for in the County's Transportation Plan in response to a request from the Board or Commission, is required.

(5) The design and construction of all roads shall be in accord with the minimum specifications adopted by the County, as set forth in the following table: ~~These specifications are summarized in Table 4.~~

| | <u>Arterial</u> | <u>Collector</u> | <u>Local</u> |
|------------------------------------|--------------------------------|-----------------------|--------------------------|
| <u>Right of Way (feet)</u> | <u>120'</u> | <u>80'</u> | 70 <u>60'</u> |
| <u>Road Width (feet)</u> | <u>60'</u> | <u>44'</u> | <u>28'</u> |
| <u>Parking Lanes Required</u> | <u>NO</u> | <u>YES</u> | <u>YES</u> |
| <u>Minimum Grade</u> | <u>0.3% on all roads</u> | | |
| <u>Maximum Grade</u> | <u>8% on all roads</u> | | |
| <u>Length of Cul-de-Sac (feet)</u> | <u>not applicable</u> | <u>not applicable</u> | <u>Maximum of 600'</u> |
| <u>Design Speed</u> | <u>45</u> | <u>35</u> | <u>25</u> |
| <u>Surface Material</u> | <u>Consult County Engineer</u> | | |

[a] All bridges and culverts shall be designed and constructed to specifications adopted by the County.

[b] Roads on soils having low bearing strengths, high shrink-swell potentials or high frost heave hazards may be required, upon recommendation of the County Engineer, to be constructed to specifications more demanding than those required on other sites.

[c] All roads shall be named or numbered in accord with the County's addressing system and road identification signs in accordance with County standards and specifications shall be provided by the developer. All permitted structures for residential, commercial and industrial uses shall post addresses prior to occupancy.

(6) Ingress/Egress. Developments of more than 5 units or with a distance of more than 600 feet from a public road which is maintained on a year round basis shall provide a minimum of two points of ingress and egress.

(7) Curbing and Gutter. Curbing and gutters or other suitable means of handling runoff water shall be constructed to the specifications provided by the County Engineer.

(8) Sidewalks/Pedestrian Walkways and/or Non-Motorized Trail Systems.

[a] Sidewalks, pedestrian walkways or non-motorized trails necessary (as recommended by County Engineer) for adequate internal circulation within a development shall be provided.

[b] Sidewalks, walkways and trails shall be designed and constructed to the specifications provided by the County Engineer.

(9) Cul-de-sacs. Project designs including cul-de-sacs within developments where local roadss are dedicated for public maintenance are discouraged.

(e) Fire Protection.

(1) Adequate existing capacity in accordance with Policy 16.1 of the Land Use Element of the General Plan to provide fire protection shall be certified in writing, for all developments, by the Park City Fire Service District. Where buildings are to be used for industrial, commercial, or commercial/residential (tri-

plex or larger) purposes, building and site plans must be approved by the Park City Fire Service District prior to issuance of the building permit.

(2) Fire hydrants, water line sizes, water storage for fire protection, and minimum flow for fire protection shall be determined by using the standards of the Insurance Services Office which are known as the Fire System Grading Standards. In no case shall minimum fire flow be less than one thousand gallons per minute for a period of two (2) hours.

(3) The developer(s) shall furnish written evidence to the County and the Park City Fire Service District verifying that either a new or existing water company shall be responsible for the perpetual and continual maintenance of all fire protection appurtenances including annual flagging of all hydrants, prior to November 1st of each year.

(f) Solid Waste Disposal. Developments for which landfill and/or solid waste collection capacity are unavailable are prohibited.

(g) School Capacity. The applicant shall submit a school impact analysis with the application for development approval. ~~Such analysis shall be based upon a student generation rate of at least one (1) child per household.~~ The capacity of schools within the impact area shall be calculated in accordance with Rule ~~300-458-3~~ 278-458-3 of the Utah Administrative Code, as such may be amended from time to time or an equivalent service level as may be established by the Park City School District. Adequate school capacity, as evidenced by a written statement from the Park City School District, shall be available prior to the issuance of a development permit. All residential developments where public maintenance is anticipated shall provide adequate school bus loading and turn-around areas, as evidenced by a written statement from the Park City School District.

(h) Mail Delivery. All residential developments shall provide facilities for postal deliveries as recommended in a written statement by the Park City Postmaster.

(i) Capacity Expansion. The utility or road capacity required to accommodate a development shall be provided at the expense of the developer. Any utilities or road expansion, extension, or improvement provided by a developer shall:

(1) be constructed on a right-of-way or parcel of land dedicated to the appropriate service-providing agency.

- (2) be covered by a written warranty, underwritten by the developer, of materials and workmanship for one year; and
 - (3) be designed and constructed to the specifications of the agency which will accept maintenance of the expansion or extension.
- (j) Economy of Services. County ability to provide road capacity, maintenance and snow removal shall be certified by the Department of Public Works.
- (k) Water System.
- (1) All central water systems shall meet the water rights, availability, distribution and delivery system, capacity, storage, design and construction requirements of the Utah State Health Department in accordance with Policy 16.1 of the Land Use Element of the General Plan as evidenced by letter provided by the service provider or a licensed professional engineer. Legal rights to the proposed water source shall be certified in writing by the Utah State Division of Water Rights.
 - (2) Central water systems shall include appropriately located fire hydrants and be capable of generating adequate flows to meet the Insurance Service Office Fire System Grading Standards. The minimum fire flow provided shall be at least 1000 gallons per minute for a period of two hours or as established by the Park City Fire District.
 - (3) In developments which include only single family residential lots of 40 or more acres, the central water system requirement is waived, but the developer shall demonstrate in writing that an adequate potable water supply is available.
 - (4) Water storage reservoirs or tanks shall be located underground where practicable.
- (l) Connections to Property Line. Water and sewer service lines shall be installed to the property line of each proposed lot before road surfaces are constructed.
- (m) Handicapped Access. All buildings intended for public use shall be accessible to the handicapped, as per the requirements of the Uniform Building Code and the federal Americans with Disabilities Act, as amended.

~~(n) Parking Areas.~~

~~(1) Parking spaces and loading areas are to be provided in accordance with the standards in Table 5.~~

~~(2) Parking areas shall be designed and constructed in accord with the specifications summarized in Table 5.~~

~~(3) At least 10% of the internal portion of a parking lot shall be landscaped. Such landscaping must be in accord with Section 5.7(j) herein.~~

(o) Utility Corridors.

(1) Rights-of-way or easements shall be provided as required by the utilities serving the proposed development.

(2) All utility lines located in public utility easements shall be underground.

(3) Underground utility services shall be installed to the property line of each lot before roads are surfaced.

~~Provisions for the financing (including phasing), warranty and maintenance of required improvements are included in Chapter 6 of this Code.~~

(p) ~~Law Enforcement. Police and Security.~~ Developments shall provide adequate access and illumination for law enforcement purposes. Prior to submitting an application for development approval, the applicant shall obtain certification as to compliance with this standard by the County Sheriff's Department.

(q) Snow Removal and Storage. Developments shall provide adequate area(s) for snow removal and storage. Prior to submitting an application for development approval, the applicant shall obtain certification as to compliance with this standard by the County Road Superintendent Engineer.

5.6 Parking Requirements.

(a) Parking spaces shall be provided as set forth in the following Table by type or category of use, as set forth in Column (A), with the applicable standards for each use as set forth in Column (B):

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~~redline underline~~ - PC addition
~~redline strike through~~ - PC deletion

| (A) USE | (B) PARKING SPACES REQUIRED |
|--|--|
| <u>Single-family dwellings</u> | <u>Two (2) per dwelling unit (note: required parking spaces shall not be located in tandem with each other)</u> |
| <u>Multi-family dwellings</u> | <u>1 per efficiency unit + one (1) guest parking space per five (5) dwelling units</u> <u>1.5 per one (1) bedroom unit + one (1) guest parking space per five (5) dwelling units</u> <u>2 per unit with two (2) or more bedrooms + one (1) guest parking space per five (5) dwelling units</u> |
| <u>Boarding Houses, Lodging Houses, Fraternities Sororities and other temporary lodging facilities</u> | <u>1 space for each occupant for which the building is designed to accommodate</u> |
| <u>Hotels and Motels/Resor Lodging</u> | <u>1 space for each living or sleeping unit plus 1 space for each employee at work during regular hours</u> |
| <u>Churches</u> | <u>1 space for every 24 seating spaces in main assembly room (1 seating space = 18" of pew length)</u> |
| <u>Clinics</u> | <u>4 spaces per staff doctor plus 1 space for each non-doctor employee</u> |
| <u>Commercial/Recreation Areas</u> | <u>1 space for every two patrons based on design capacity of the facility</u> |
| <u>Day Care Centers</u> | <u>1 space for every 2 employees plus 1 additional space for every 10 children served</u> |
| <u>Dwellings</u> | <u>2 spaces for each dwelling unit</u> |
| <u>Hospitals, Institutions of a Religious, Charitable or Philanthropic Nature, Orphanages, Rest Homes, Nursing Homes, and Convents</u> | <u>1 visitor space for every two patient beds and 1 for each person employed</u> |
| <u>Industrial and Wholesale Establishments</u> | <u>1 for each person employed and space for all company owned vehicles, adequate space for salesmen, visitors, etc., adequate loading areas and holding areas for vehicles awaiting loading or unloading</u> |
| <u>Funeral Homes, Mortuaries, Private Clubs, Fraternal Organizations, Libraries, Museums and other Civic Uses</u> | <u>30 spaces or 1 space for each 25 square feet of floor in all assembly rooms, whichever is greater</u> |
| <u>Major Appliance, Furniture and Discount Stores</u> | <u>1 space for every 300 square feet of floor area* and adequate loading</u> |
| <u>Professional offices, business offices and financial services</u> | <u>2 spaces plus 1 space per 300 square feet of floor area*</u> |
| <u>Restaurants, bars, taverns, private liquor clubs and fraternal organizations</u> | <u>1 space for each 2.5 seats or 2 spaces per 100 square feet of floor area*, whichever is greater</u> |
| <u>Rest Homes</u> | <u>1 space for every 3 patients beds plus 1 space for every employee during regular hours</u> |
| <u>Retail Stores</u> | <u>1 space for every 300 square feet of floor area* and adequate loading</u> |
| <u>Schools and Educational Services</u> | <u>1 parking space for every 3 employees including administrators, teachers and building maintenance personnel, and</u> <u>1 parking space for every 5 high school, college or university students predicated upon the designed capacity of the physical plant</u> |
| <u>Theaters, Sports Arenas, Public Assemblies, and Commercial Recreation</u> | <u>1 space for each 3 seats at maximum seating capacity or as approved by the BCC</u> |

* Floor area shall mean gross floor area, unless otherwise specified.

(b) Fractional Measurements Involving Parking Spaces: Unless otherwise provided for in the specific parking regulations, one (1) additional parking space shall be required if the number of required parking spaces results in a fractional number.

(c) Location of Required Parking Spaces: The required parking spaces shall be located as follows:

(1) on the same lot as the use they are intended to serve, or

(2) within a common assigned parking area under the ownership of the individual owners of the group premises (either residential, commercial or industrial use) it is intended to serve.

(d) Collective Action Relative to Parking: This Chapter shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.

(e) Mixed Uses: In the case of mixed uses, the required parking spaces shall be the sum of the required parking spaces for the various uses computed separately, and such spaces for one (1) use shall not be considered as providing required parking for any other use. Provided, however, when it can be shown that the peak use periods of each of the buildings is different, the Director may reduce the number of required spaces to a level not less than the number of spaces required for all buildings within the same peak period requiring the greatest number of spaces.

(f) Design Standards for Required Parking Spaces. The following design standards shall be complied with within any Zoning District or Land Use Category in which parking is being provided for other than one (1) single-family dwelling unit or one (1) manufactured home on a lot of record, and may be added to any facility approved by Conditional Use Permit:

(1) The proposed development must provide paving in any parking

area by one of the following methods:

- [a] Asphaltic concrete.
 - [b] Cement concrete.
 - [c] Penetration treatment of bituminous material and a seal coat of bituminous and mineral aggregate.
 - [d] The equivalent of the above as recommended by the Department of Community Development.
- (2) Parking areas shall be designed with a through circulation pattern if they include more than 10 parking spaces. Public roads shall not be used as part of a parking lot circulation pattern.
- (3) Parking areas shall have a minimum grade (in any direction) of 1%, a maximum grade of 5%, and an average grade of 2%.
- (4) Parking spaces and driveways shall be so arranged as to require ingress and egress from the lot to a road by forward motion of the vehicle.
- (5) Parking spaces shall be designed so that vehicles exiting therefrom will not be required to back out across any sidewalk or road.
- (6) Adjacent to any Zoning District in which residential uses are permitted, automobile parking shall be screened from view, except when separated by a public road.
- (7) Any lights used to illuminate parking spaces shall be so arranged and screened as to reflect the light away from adjoining lots and from roads or from any residential use. ~~Such lights shall have a maximum height of sixteen (16) feet. The height of the lights shall be measured from grade to sixteen (16) feet.~~
- (8) On the site of a building or open lot use providing an off road parking area where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding dedicated alleys, there shall be provided landscaping between such area

and such right-of-way on a strip of land at least five (5) feet in width.

(9) Except where a wall is required a minimum six (6) inch high curb or bumper guard shall be utilized or employed so that no part of the vehicle shall extend over or beyond any property line.

(10) Required parking spaces shall be adequately marked or defined. At least one clearly marked and appropriately situated handicapped parking space shall be provided for each commercial, institutional, and public parking area.

(11) Uncovered parking lots shall provide snow storage areas equal to 10% of the uncovered parking lot surface area.

(g) At least 15% of the internal portion of a parking lot shall be landscaped. Such landscaping must be in accord with Section 5.11 herein.

5.7 Loading and ~~at~~Unloading Regulations.

(a) Loading and Unloading for Commercial Buildings. For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building.

(b) Loading and Unloading for Wholesale, Manufacturing and Industrial Buildings. For all wholesale, manufacturing and industrial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each ten thousand (10,000) square feet of floor area, or fraction thereof, devoted to such use in the building.

(c) Location of Required Loading and Unloading Spaces. The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement.

(d) Collective Action Relative to Loading and Unloading. This ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or used if the total of such spaces when used together is not less than the sum of the spaces required for the various individual buildings

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~~refine strike through~~ - PC deletion

or uses computed separately.

(e) Mixed Uses. In the case of mixed uses, the required loading and unloading spaces shall be the sum of the required loading and unloading spaces for the various uses computed separately, and such spaces for one use shall not be considered as providing required loading and unloading for any other use.

5.6-5.8 Development Layout.

- (a) ~~Every Dwelling~~Number of Buildings on a Lot. ~~Except for family-owned tracts, within all development every~~ Every dwelling shall be on a "lot" as defined in this Code. Except where specifically allowed in the conditions of a development order or development permit, only one building which contains a dwelling main building for single-family, two-family or multiple family use with permitted accessory buildings shall be located and maintained on any lot or unplatted tract. Every single family dwelling shall face or front upon a road, or other approved access. Where a lot is used for multi-family, retail, commercial, industrial or a combination of same, more than one (1) main building may be located upon the lot, but only when such buildings conform to all open space, parking, and other development and performance standards applicable to such uses or within the prescribed zoning district.
- (b) Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved ~~street~~road or upon a ~~private street~~local road or right-of-way giving right of access to said lot.
- (c) Vision Clearance. On any corner lot on which the front and side yards are required, no wall, fence, structure, sign, tree, shrub or hedge may be maintained as to cause danger to traffic by obstructing the view, and when topography prevents a clear view, the area shall be graded to provide visual clearance this bank shall be moved.
- ~~(e) Building Height. No building shall be erected which is greater than thirty (30) feet above fire fighting grade; provided, however, these restrictions shall not apply if it can be shown to the satisfaction of the Board (after consulting with the fire district commissioners) that adequate fire protection to safeguard against loss of property and human life is provided to justify a greater height.~~
- ~~(d) Screening.~~
- ~~(1) All outdoor mechanical equipment, storage parking and equipment or materials storage areas shall be effectively screened from the view of those using major roads or public trails. (See Table 2, Landscaped Buffer Standards).~~
- ~~(2) Screening fences or walls shall be included in the overall evaluation of a development. (See Table 2, Landscaped Buffer Standards).~~

~~(e) Signs. Signs shall conform to the maximum standards of Table 1 and shall be included in the overall compatibility and design evaluations of a development. Replacement signs shall not alter the approved sign types, sizes or numbers. The Director may recommend, and the BCC may impose, standards or requirements stricter than those set forth in Table 1 herein in order to maintain consistency, compatibility and fit between the proposed development and neighboring developments.~~

~~(f) Commercial Development. In the project design, the applicant shall preserve a scenic roadside environment and shall avoid the traffic problems, waste of energy resources and land use conflicts that strip developments tend to create.~~

(d) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building.

(e) Side and Rear Yards.

(1) Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of window sills, belt courses, and other ornamental features projecting not to exceed twelve (12) inches. ~~Eaves and awnings or main residential structures may project to within three (3) feet of a side or rear lot line.~~

(2) Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues into ~~rear~~ required yards may be permitted by the Building Official into the required yard for a distance not to exceed three and one-half (3½) feet.

~~(3) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the ground (first) floor level of the building may project into a required yard.~~

5-7-5.9 Design. These criteria serve the public interest by requiring that the design of developments in the Snyderville Basin be compatible with the natural, rural characteristics of their setting and with the image of the area which helps to support its resort economy. The design policies also help to reduce the potential for land use conflicts by encouraging the protection of privacy and of scenic views.

(a) Integration and Separation.

(1) Development site planning shall integrate site elements or functions which are basically compatible and separate those which are not. Integration or separation may be accomplished through circulation, visual linkage or separation and other design tactics.

(2) Developments shall not limit the viability of existing agricultural, industrial or mining uses. Limits to the viability of existing uses could include, without being limited to, potential nuisance or liability suits, adverse impacts on existing irrigation ditches, predation on stock by domestic dogs, and traffic conflicts with farm machinery or mining equipment.

(b) Privacy. Developments shall protect on-site privacy and the privacy of those occupying adjacent sites. Privacy may be protected through setbacks, buffering, screening or structural elements, and other design tactics.

(c) Unit Design Elements. Developments shall provide for individual dwelling design review through Restrictive Covenants for compatibility of building materials, size, color, and style.

(d) Other Considerations.

(1) Developments shall preserve and enhance views through site planning, from the site and from neighboring public places and private property.

(2) The development layout and design shall avoid construction within areas identified as being highly vulnerable to visual degradation.

(3) Developments if approved in areas identified as being highly *vulnerable to visual degradation shall use building forms, materials and colors that minimize color, line, form and texture contrasts with their setting.*

(4) Ridgelines. Developments shall locate structures away from areas that are prominently visible against the sky along a ridgeline. No building, roof, or other appurtenant device shall encroach or visually intrude upon a ridgeline area.

(5) Non-Motorized Trail System.

[a] Developments shall provide portions of the major trails running through their site meeting the recommended preferred design guidelines of the Trails System Plan Summit County Trails Plan.

[b] Developments shall connect an internal trail system to the major trails. Walkways and or sidewalks necessary for adequate internal pedestrian circulation within a development shall be counted as internal trail system of a development, where connected to major trails. The space dedicated in trails shall be included in the calculation of the open space provided, even though the trail surfaced surfaces are impervious.

(e) Clustering. Developments shall incorporate design elements within residential projects which cluster units and maximize open areas.

~~(F)~~ 5.10 Project Buffering and Screening.

(a) Landscaped buffers shall be included as follows:

~~(2) a minimum of 100 feet between any structure within a commercial or industrial development and any major road shall be established. Buffers between commercial or industrial structures and major roads may include parking lots and trails. (See Table 2, Landscaped Buffer Standards).~~

~~(3) between customer, resident and employee parking lots and public roads. (See Table 2, Landscaped Buffer Standards).~~

(1) Minimum landscaped buffer width shall be thirty (30) feet for all:

[a] buffers between all roads and structures within a commercial, industrial, institutional, or residential development;

[b] buffers between public roads or public parking lots and structures, and adjoining residences;

[c] buffers between public roads and parking lots for customers, employees, or residents;

[d] buffers between commercial or institutional land uses (including parking lots) and adjoining residences;

[e] buffers between industrial land uses (including parking lots) and adjoining residences;

[f] buffers between higher and lower density residential uses; and

[g] buffers to help screen solid waste containers.

(b) Berms.

(1) Where required in subsection (f)(1) hereto, berms shall be included as part of the landscaped buffer between adjacent land uses.

(2) A range in recommended berm height shall be provided to accommodate the grading of berms to create a natural-appearing undulating character. Berms shall not be highly regular or similar to dikes in appearance. Berms shall have a natural-appearing, gentle transition into the surrounding grade. Grades on berms shall not exceed 3:1.

~~(g)~~ (c) Screening.

(1) Purpose. The purpose of this subsection is to encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses.

(2) Screening of Nonresidential and Multi-Family Areas

[a] In the event that multi-family or non-residential uses side or back upon a non-residential Zoning District or Land Use Category, or in the event that any non-residential Zoning District or Land Use Category sides or backs to residential Zoning District or Land Use Category, a screening treatment of not less than six (6) feet ~~not more than eight (8) feet~~ in height shall be erected on the property line separating these Zoning Districts or Land Use Categories. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

[1] The owner of the multi-family property shall be responsible for and shall ~~build~~ provide the required wall screening treatment on the property line dividing the property from the SL, CS, LDR or MDR residential Zoning Districts. This construction requirement applies only when multi-family uses are adjacent to single-family residential uses. When screening is required between non-residential and residential uses, it shall be the responsibility of the non-residential use to construct the screening wall.

[2] Any screening wall or fence required under the provisions of this section, under a conditional use permit or other requirement shall be constructed of masonry, reinforced concrete, timber or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

[3] Alternative equivalent screening may be approved through the site plan approval process.

[b] All required screening walls shall be equally finished on both sides of the wall.

[c] Open storage of materials, commodities, or equipment shall comply with the following requirements:

[1] Located behind the front building line;

[2] Observe all yard setback requirements;

[3] Screened with a minimum six (6) foot fence or wall or other treatment;

[4] Refuse storage areas shall be visually screened by a roof enclosure constructed of the same materials as the Principal Structure or other similar material approved by the BCC.

[d] Fences in Residential Areas

[1] Any fence or wall located to the rear of the minimum required front yard line shall not exceed six (6) feet in height above the grade of the adjacent property.

[2] No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over two (2) acres in size.

~~(1)-(3)~~ Developments shall provide for effective screening ~~from the public view of rooftop mechanical equipment and vents.~~

~~(2) Developments shall include design provisions for effective screening of solid waste containers (See Table 2, Landscaped Buffer Standards).~~

~~(3)-(4)~~ Screening fences or walls shall be supplemented by planting or planted buffer strips or berms. Plantings proposed pursuant to this policy shall be in accord with subsection (i) Landscaping and Maintenance.

~~(5) All outdoor mechanical equipment, storage parking and equipment or materials storage areas shall be screened from the view of all roads or public trails.~~

~~(6) Screening fences or walls shall be placed on the interior edge of the landscaped buffer, not on the outside edge facing the road or adjacent property.~~

~~(d) For purposes of fulfilling the buffer and screening requirements of this Section, a list of approved Plant Materials shall be provided by the Director.~~

~~(h) Signs. Signs shall be aesthetically pleasing, using subtle colors and natural materials are encouraged.~~

~~(i) Steep Slopes. Development on slopes over fifteen percent (15%) and less than or equal to thirty percent (30%) shall be regulated as follows:~~

~~(1) The arrangement and location of structures and impervious surfaces shall minimize the potential of instability, rapidly accelerated stormwater runoff, erosion, and and soil loss.~~

~~(2) Submission of a professionally prepared Grading and Conservation Plan which specifies all measures taken to assure slope stability and to prevent accelerated runoff and erosion is required. The design of all structural elements (such as permanent and temporary access roads) included in such a plan shall be certified by a licensed professional engineer with demonstrated experience in slope stabilization.~~

~~(i) 5.11~~ Landscaping and Maintenance. Where landscaping, open space, or landscaped buffers or common ownership is are required, ~~a general landscaping and maintenance plan shall be used in conjunction with the following standards. the following standards shall apply:~~

~~(a)~~ General requirements.

(1) Where trees and shrubs are cleared from a site, the clearing created shall maintain a nonlinear edge, along which the disturbed portions of the site blend effectively with the natural vegetation.

(2) The development shall preserve existing healthy, desirable trees shrubs or vegetation.

~~(5)~~ (3) Width of Landscaped Buffers. Any landscaped buffer used shall be of sufficient width to accommodate plant materials which will provide effective visual screening. ~~Table 2 illustrates recommended buffer widths. Landscaped buffers may be crossed by walks, trails, or driveways and may include patios or decks, provided the patio or deck does not penetrate more than 50% through the buffer.~~ The planted or naturally vegetated portion of landscaped buffers shall be included in the calculation of open space provided by a development.

~~(6)~~ (4) All plantings shall be maintained in a healthy and attractive condition.

~~(7)~~ (5) Plantings shall be contained so as not to grow into and obstruct views and so as not to interfere with utility lines or road or parking illumination, and so as not to obstruct the line-of-sight needed for road and trail corners or inter-sections.

~~(8)~~ (6) Replacement plantings shall comply with the approved landscaping plan.

(7) All planting shall be adequately maintained.

(8) Plant materials should complement native species and provide continuity with the surroundings. The use of drought tolerant species and species tolerant to the climatic conditions of Summit County is encouraged.

(b) Maintenance. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing (of grass of six (6) inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. A time extension may be granted by the Director if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Failure to maintain any landscape area in compliance with this section shall result in the disapproval and revocation of any issued certificate of occupancy associated with the occupancy of said area.

(c) Enforcement. If at any time after the issuance of a certificate of occupancy the approved landscaping is found not to conform to the standards and criteria of this section, the Director shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Code.

(d) General standards; Materials and Installation. The following criteria and standards shall apply to landscape materials and installation:

~~(3)~~ (1) At least 75% of all tree stock used shall be:

~~{a}~~ [a] for deciduous species - caliper 2 inches + measured at 12 inches above ground.

~~{b}~~ [b] for coniferous species - 6 feet + in height.

- (+) (2) The specifications for all other plant materials to be used shall accompany the application for a permit. Specifications for all plantings shall be in conformance with the American Standard for Nursery Stock. The materials proposed for use shall be suitable for the area's elevation and climate.
- (3) Grass, seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (4) Trees shall have an average spread of crown of at least fifteen (15) feet at maturity. Trees having a lesser average natural crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown of spread. Trees shall be of a minimum of ~~three (3)~~ two (2) inches in caliper (measured ~~six (6)~~ twelve (12) inches above the ground) and seven (7) feet in height at time of planting.
- (5) Shrubs not of the dwarf variety shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen.
- (6) Vines not intended as groundcover shall be a minimum of two (2) feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- (7) Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion. Groundcovers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- (8) All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems.
- (9) Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

| <u>Circumference of Existing Tree</u> | <u>Credit Against Tree Requirement</u> |
|---------------------------------------|--|
| <u>6" to 8"</u> | <u>1.0 tree</u> |
| <u>9" to 30"</u> | <u>1.5 trees</u> |
| <u>31" to 46"</u> | <u>2.0 trees</u> |
| <u>47" or more</u> | <u>3.0 trees</u> |

(10) Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a three (3) inch minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half (4½) feet above natural grade. No living trees greater than six (6) inches in caliper or other vegetation may be cut, destroyed or damaged on the development site until approved as part of the subdivision or site plan requirements in this Code.

(11) Earthen berms shall have side slopes not to exceed 33.3 percent (three (3) feet of horizontal distance for each one (1) foot of height). Berms may contain necessary drainage provisions as may be required by the Director.

(e) Landscape requirements for residential areas. This section shall be used to determine appropriate landscape requirements along roads adjacent to residential areas. Any residential development which desires bonus or incentive densities allowed in Section 5.9(d) shall meet the following requirements and standards.

(1) Trees and shrubs shall be no closer than five (5) feet to the curb.

(2) There shall be at least one large tree planted in the area to be landscaped per forty (40) feet of linear frontage of road. Trees may be clustered or grouped to accommodate landscape design.

(3) There shall be one small tree planted in the landscape area per thirty (30) feet of road frontage.

(f) Minimum landscaping requirements for non-residential and multi-family development

~~(1) For all non-residential parcels with less than two hundred fifty (250) feet of frontage adjacent to a dedicated public right of way, at least fifteen percent (15%) of the front yard shall be permanent landscape area. Non-residential parcels having two hundred fifty (250) feet or more of frontage shall have at least twenty percent (20%) of the road yard in permanent landscaped area. A minimum of eight percent (8%) of the entire site shall be devoted to living landscape which shall include grass, groundcover, plants, shrubs or trees. For gasoline service stations, a minimum of ten percent (10%) of the entire site shall be permanent landscaped area, including a six hundred (600) square foot landscape area at appropriate intersection corners, if applicable.~~

~~(2) A minimum fifteen (15) foot landscape buffer (interior parkway) adjacent to right of way of any road is required. If the lot is a corner lot, two frontages shall be required to observe the fifteen (15) foot buffer. If more than two frontages exist, then the other right of way frontages shall be required to have no more than seven and one half (7½) feet of landscaped area. Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of road frontage. The landscaped portion of interior parkways may be included in the required landscape area percentage. The interior parkway is defined as that area on private property between the road right of way line and the curb of the parking area or building area.~~

~~(3) Landscaped areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. There shall be a minimum of one (1) tree planted in the parking area for every four hundred (400) square feet or fraction thereof of landscaped area in the parking lot. Within parking lots, landscaped areas shall be located to define parking areas and assist in clarifying appropriate circulation patterns. Landscaped islands shall be located at the terminus of all parking rows and shall contain at least one tree. All landscaped areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs. Landscaped areas shall be no less than five (5) feet wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty (60) feet of every parking space.~~

~~(4) All existing trees which are to be preserved shall be provided with~~

a permeable surface under the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline for a minimum of four (4) feet by four (4) feet.

(5) A minimum of fifty percent (50%) of the total trees required for the property shall be large trees. Small trees shall be used under existing or proposed overhead utility lines.

(6) Necessary driveways from the public right-of-way shall be permitted through all required landscaping.

~~(7) Whenever an off-road parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five (5) feet shall be maintained between the edge of the parking area and the adjacent property line. Whenever the adjacent property is used or zoned for residential use, a landscaped area of at least ten (10) feet shall be provided and planted with one large tree for each forty (40) linear feet or portion thereof of adjacent exposure.~~

(g) Tree preservation. During any construction or land development, the developer shall clearly mark all trees to be maintained and may shall be required to erect and maintain protective barriers around all such trees or groups of trees to the drip line. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, and the like, under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(h) Parking Areas

(1) The perimeter of all parking areas shall be effectively screened to a minimum depth of twenty (20) feet from roads, driveways, drop-off areas, buildings and open spaces.

(2) An area equal to 15% of the total size of the parking lot must be landscaped and permeable, exclusive of perimeter plantings.

(3) Landscaped islands and peninsulas shall be included in the design of parking areas. Landscaped islands must be a minimum of 10 feet in width and are required at the ends of parking rows at a maximum spacing of one per every 18 parking spaces. Flowering trees or other types of ornamental planting should be used on end islands. Subject to approval, islands can be grouped to form one large island.

(4) Changes in grade, planting, and/or berms shall be provided to reduce the visual impact of large parking areas.

(5) Shade trees, of a minimum ~~3~~ 2 inch caliper, shall be placed in parking lots at the quantity of one tree for every 15 spaces, or at 50 feet on center, whichever equals the greatest total number of trees.

(6) The following minimum setbacks shall be required for surface parking lots:

- [a] from road right-of-way 30 feet
- [b] between parking lots at side, rear or front yards 30 feet
- [c] to perimeter property lines 30 feet
- [d] from on-site driveways, visitor drop-off areas, buildings, and open spaces 15 feet

(i) Roads

(1) For local roads and collector roads, road trees shall be required of no less than ~~3~~ 2 inch caliper, spaced at a maximum of 30 feet on center for small to medium trees, 50 feet on center for large trees. All road trees shall be planted without tree grates in a bed of lawn or accented ground cover which grows to the base of the tree in all directions.

(2) All access roads, developed entrances and major intersections shall be landscaped, using ornamental plants or selective preservation of existing vegetation, while maintaining required sight lines.

(j) Sight Distance and Visibility. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an accessway abuts the intersection of two (2) or more public rights-of-way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be

designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area.

~~(k) Density Reductions. Developments required to reduce total permissible dwelling units or square footage pursuant to Sections 5.9(e) or 4.15(b)(1)[b] herein shall integrate such development with proposed future phases of the development proposal and shall cluster the units as provided in subsection (e) herein.~~

5.8-5.12 Open Space.

Not less than twenty-five percent (25%) of the development site, excluding critical areas, shall be set aside and maintained as open space provided, however, that the applicant may pay a fee into the Open Space Acquisition Trust Fund established pursuant to subsection (d) below.

(a) Land which is required by this Code to remain as open space may be used for recreation, agriculture, resource protection, amenity and other purposes specified in this section. Open-space land shall not be occupied by nonrecreational buildings, roads, or roads rights-of-way, nor shall it include the yards or lots of single- or multi-family dwelling units required to meet the minimum standards or parking areas.

(b) All developments required by this Code to provide open space shall meet the following requirements:

(1) Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

(2) Any areas reserved as open space shall be indicated on the sketch plan and preliminary site plan or subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Code. The plan shall:

[a] Designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.

[b] Designate the type of open space which will be provided per Section 5.12(3) herein.

[c] Specify the manner in which the open space shall be perpetuated, maintained, and administered.

(3) The types of open space which may be provided to satisfy the requirements of this Code, together with the maintenance required for each type, are as follows:

[a] Passive open space maintenance is limited to removal of litter, dead tree and plant materials, and brush; weeding and fallowing; and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

[b] No specific maintenance is required for agricultural uses.

[c] Active open space areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions.

[d] Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

(4) All designated open space shall be of suitable size, location, dimension, topography and general character and shall have proper road and/or pedestrian access, as may be appropriate, to be usable open space. The minimum dimension for usable open space shall be ten (10) feet and the minimum area shall be one hundred (100) square feet.

(c) Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as determined by the BCC by any of the following mechanisms or combinations thereof:

(1) Dedication of open space to Summit County, an appropriate public agency, or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The County

shall not accept the dedication of open space unless such dedication is part of a linked open space or trails system included in the Environmental and Open Space Element of the General Plan.

(2) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Code, Summit County may, in accordance with the Environmental and Open Space Element of the General Plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site.

(3) Payment of a fee in lieu of dedication of open space, if

[a] The BCC establishes an Open Space Acquisition Trust Fund for the receipt of fees and other financial commitments for the acquisition and development of public open space.

[b] The BCC adopts an ordinance establishing a fee in lieu of dedication of land for open space. The ordinance shall include the following:

[1] The fee amount per residential dwelling unit or equivalent residential ~~dwelling~~-unit;

[2] Time of determination of the fee;

[3] Time of payment of the fee;

[4] Form of payment of the fee;

[5] Restrictions on use of the fees collected;

[6] Time limit on expenditure of fees;

[7] Placement of fees in the Open Space Acquisition Trust Fund;

- [8] Maintenance of financial records;
- [9] Allocation of interest on trust fund accounts; and
- [10] Refund procedures.

(d) The applicant shall submit an Open Space Provision and Maintenance Plan meeting the requirements of subsections (a) through (c) herein as part of the application for development approval.

(e) Set Aside of Open Space Exceeding Minimum 25% Requirement.

(1) If approved by the BCC, applicants may receive a density bonus for the set aside of additional open space in excess of the 25% minimum requirement or payment of additional fees in lieu of open space in accordance with Section ~~5-9~~ 5.13 herein, which density bonus shall be limited to low density, medium and high density residential areas.

(2) The BCC may adopt an ordinance establishing procedures for the transfer of development rights to other development sites in lieu of the dedication of open space or payment of a fee in lieu of dedication of open space, including the designation, or criteria for designation, of areas eligible for the receipt of development rights.

~~5-9-5.13~~ Density and Intensity. Development densities and intensities shall comply with the following provisions:

(a) Total permitted dwelling units or square footage shall be calculated as follows:

$TD = (NA \times BD) + (MOS \times BD) + (AOS \times BD) + (0.5 \times (AOS \times BD)) + (0.25 \times (CA \times BD))$, where

TD = total permitted dwelling units or square footage
BD = the base density standard for the applicable ~~land use~~
~~category~~ Zoning District pursuant to subsection (b)
herein
NA = net acres
MOS = open space acreage required pursuant to Section ~~5-8~~
5.13 herein, multiplied by the base density
standard; provided, however, that MOS and AOS as

~~underline~~ - addition
~~strikethrough~~ - deletion
~~redline underline~~ - PC addition
~~redline strikethrough~~ - PC deletion

used in this formula shall exclude acreage devoted to active recreational use (including but not limited to clubhouses, pools, athletic fields, and ski areas) for purposes of calculating total permitted dwelling units or square footage.

AOS = additional open space provided pursuant to Section ~~5.9(d)~~ 5.12(d) herein; provided, however, that MOS and AOS as used in this formula shall exclude acreage devoted to active recreational use (including but not limited to clubhouses, pools, athletic fields, and ski areas) for purposes of calculating total permitted dwelling units or square footage and shall only apply to that amount of open space in excess of the 25% minimum open space requirement.

CA = Critical Areas

(b) Base densities or intensities pursuant to the ~~land use categories~~ Zoning Districts are as follows:

underline - addition
~~strikethrough~~ - deletion
redline underline - PC addition
~~redline strikethrough~~ - PC deletion

| Land Use Category <u>Zoning District</u> | Permissible Density/Intensity |
|---|---|
| | Base Density ¹ |
| Critical/ Sensitive Lands ⁴ | 0.025 |
| Country Side | 0.025 |
| East Canyon Creek Conservancy Corridor | not applicable |
| Enhancement Corridors | not applicable |
| RESIDENTIAL | |
| Low Density Residential | 0.2 |
| Medium Density Residential | 1.0 |
| High Density Residential | 5.0 |
| Special Residential Provision | 8.0 |
| COMMERCIAL | |
| Neighborhood Commercial | 0.07 ² |
| Resort Commercial | 0.6 ² |
| Community Commercial | 0.65 ³ |
| Service Commercial | 0.15² <u>0.65³</u> |
| LIGHT INDUSTRIAL | 0.65 ³ |
| ¹ In dwelling units/square footage per acre ² Floor Area Ratio. ³ Coverage. ⁴ Per land use element | |

(c) Until a parcel or tract that is the subject of an application for development approval is classified within the Tier 1 category of the Land Use Element of the General Plan, the maximum densities or non-residential intensities permitted in the Tier 2 and

Future Urbanizing shall be fifty percent (50%) of the allowable base densities calculated in accordance with subsection (a) herein, subject to the additional criteria and procedures set forth below.

- (1) The maximum density may be reduced to 12.5% or all development prohibited as provided in Section 4.15(b)(1)[b].
- (2) The development may be approved in phases or conditioned in such a manner as to permit the development of the remaining undeveloped areas when the parcel is reclassified within Tier 1 provided, however, that the development shall be phased in such a manner that the impacts of the development will not occur until adequate public facilities become available at the adopted level of service standards.
- (3) Buildings, ~~streets-roads~~ and other impervious surfaces shall be clustered in such a manner as to maximize open spaces.
- (d) An applicant may receive a density bonus for the dedication or provision of additional open space beyond that required by Section 5.8 hereof consistent with Section 5.9(a) herein in accordance with the policies and procedures set forth below.
 - (1) The density bonus shall be calculated by multiplying the number of acres of open space set aside, less the number of acres required pursuant to Section 5.8 herein, by 0.5.
 - (2) The additional dwelling units or floor area calculated in accordance with subsection (1) herein ~~shall be considered a conditional use, and~~ shall be permitted by the BCC only as a condition of subdivision, site plan or minor permit approval. No additional residential units or floor area shall be permitted in accordance with this subsection unless authorized by the BCC in accordance with the following standards:
 - [a] the additional open space is included in the Open Space Provision and Maintenance Plan as set forth in Section 5.8 herein; and
 - [b] The open space areas are part of a linked open space or trails system included in the Environmental and Open Space Element of the General Plan; or
 - [c] the additional residential densities or non-residential intensities are

needed to avoid an unreasonable hardship or practical difficulty, taking into consideration the deprivation of economic use, the reasonableness of the period of time of the alleged deprivation, the additional density or intensity needed to afford a reasonable economic use, and any countervailing and overriding public interest.

(e) The maximum net density shall in no event exceed the maximum base density for the next higher density classification set forth in Section ~~5.9(b)~~ 5.13(b) above.

~~(f) Family Owned Tracts. The Director may approve the development of densities on family owned tracts exceeding the minimum densities of the applicable land use category as a minor permit. Such additional density shall be considered a permitted accessory use. No family owned tract shall be permitted unless the following criteria are met:~~

~~{a} All dwelling units shall be constructed on the same parcel or tract. Such parcel or tract shall not be subdivided, and restrictive covenants shall be recorded prohibiting the subdivision of such parcel and the construction of additional dwelling units exceeding the densities set forth herein.~~

~~{b} Such tract shall be classified within the Country Side land use category.~~

~~{c} Residential densities shall be calculated as follows:~~

~~{1} Three (3) dwelling units shall be permitted for tracts not exceeding forty (40) acres in size;~~

~~{2} An additional two (2) dwelling units shall be permitted for tracts exceeding forty (40) acres but less than eighty (80) acres in size; and~~

~~{3} One (1) additional dwelling unit shall be permitted for tracts at least eighty (80) acres in size.~~

(f) Agricultural Tracts. The Director may approve the development of densities on agricultural tracts exceeding the minimum densities of the applicable ~~land use category~~ Zoning District as a minor permit. Such additional density shall be considered a permitted accessory use. No agricultural tract shall be permitted unless the following criteria are met:

(1) All dwelling units shall be constructed on the same parcel or tract. Such

parcel or tract shall not be subdivided, and restrictive covenants shall be recorded prohibiting the subdivision of such parcel and the construction of additional dwelling units exceeding the densities set forth herein.

(2) Such tract shall be classified within the Critical/Sensitive Lands or Country Side ~~land use categories~~ Zoning Districts.

(3) Residential densities shall be calculated as follows:

[a] Three (3) dwelling units shall be permitted for tracts not exceeding one hundred (100) acres in size provided, however, that the base density as determined in subsection (a) herein shall not exceed one dwelling unit per thirty-five (35) acres;

[b] An additional two (2) dwelling units shall be permitted for tracts exceeding one hundred (100) acres provided, however, that the base density as determined in subsection (a) herein shall not exceed one dwelling unit per forty (40) acres.

~~5.7(k)~~ (g) Density Reductions. Developments required to reduce total permissible dwelling units or square footage pursuant to Sections 5.9(c) or 4.15(b)(1)[b] herein shall integrate such development with proposed future phases of the development proposal and shall cluster the units as provided in subsection 5.9(e) herein.

(h) Equivalent Dwelling Units.

5.14 Lighting regulations

(a) Purpose. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

(b) Nonresidential Site Lighting and Glare Standards:

(1) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights

shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any adjoining property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential Zoning District shall be 0.2 foot candles. No light pole shall be erected unless set back a distance equal to its height from all adjacent residential property.

(2) All off-roads parking areas for nonresidential uses in nonresidential Zoning District which are used after dark shall be illuminated beginning one-half (½) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

[a] Intensity

[1] Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (⅓) of the average, whichever is greater.

[2] Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than two-tenths (0.2) foot candles of light upon any adjacent residentially zoned area.

[b] Height

[1] On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet.

[2] On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.

[3] Special lighting or lighting higher than thirty (30) feet may be approved as specifically noted on a site plan.

~~[c] Lighting materials shall be of a non-galvanized material and color to be approved at final site plan.~~

(c) Residential Lighting and Glare Standards

(1) Residential lighting for security and night recreation use is permitted in all residential Zoning Districts provided the following requirements are met:

[a] Direct lighting over ten (10) feet in height is shielded from adjacent property.

[b] No light source shall exceed thirty (30) feet in height. Road lights and other traffic safety lighting are exempt from this standard.

[c] Lighting shall not directly shine on adjacent dwellings.

(d) Luminaries. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary roads. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as set forth in subsection (5) below.

(e) Special or Temporary Lighting: Low Wattage. Bare bulbs or strings of lamps are prohibited, except that during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday use. Christmas tree sales are considered a temporary holiday use for the purpose of this section.

(f) Collector and arterial roads shall have high (25-30 feet) mounted road lighting, while local roads shall be lit with "pedestrian" scale lights (10-12 feet).

(g) Lighting shall be required only where site-specific safety conditions warrant.

5.15 Design Standards for Commercial Uses, Office/Professional Services, and General Services.

- (a) Purpose. The purpose of this section is to avoid strip development in the non-residential Zoning Districts in order to provide for the safe and efficient utilization of roadways in such Zoning Districts and to protect the aesthetic and visual character of such areas, by requiring development to conform to strict standards governing access management and spacing, appearance, and traffic congestion.
- (b) All proposed development within the NC, SC, CC, RC and LI Zoning Districts shall conform to the access management standards as established in ~~subsection (j) of this Section~~ Section 5.16 of this Chapter.

5.16 Access Management. For proposed developments deriving primary or secondary access to a road upon which the public has unrestricted access, the following performance standards shall apply:

(a) Number of Driveways Per Parcel

- (1) A maximum of one driveway opening shall be permitted to a development site from each abutting roadway.
- (2) One additional driveway opening per roadway may be permitted along a continuous site with frontage in excess of six hundred (600) feet, or two additional driveway openings may be permitted along a continuous site with frontage in excess of twelve hundred (1,200) feet if the Commission and BCC find that the additional driveways will not adversely affect the safe and efficient operation of the roadway, will not significantly reduce the capacity of the roadway, can be accommodated consistent with the required findings provided herein, and will not frustrate the purposes of this Code.
- (3) In the case of dual one-way driveways, one pair of driveway openings (entry and exit) may be used per five-hundred (500) feet of roadway frontage. Only one pair of one-way drives may be used per roadway frontage.

(b) Driveway Design and Placement

- (1) Driveway design must allow an entering vehicle turning speed of 15 mph to reduce interference with through traffic on the roadway.

- (2) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by the Traffic Impact Analysis (see Section 7.7(a)(4) of this Code).
- (3) On-site storage must be provided to accommodate at least three queued vehicles waiting to park or exit without using any portion of the roadway right-of-way or in any other way interfering with traffic movement on the adjacent roadway.
- (4) Provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems, or other methods as may be specified.
- (5) Driveway entrances shall be sufficient to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (6) Driveway placement shall be such that loading and unloading activities will in no way hinder vehicle ingress or egress or interfere with traffic on the adjacent roadway.
- (7) Direct-access driveway placement shall permit all exiting vehicles an unobstructed sight distance according to the following schedule:

| <u>Posted Roadway Speed Limit (MPH)</u> | <u>Sight Distance (FEET)</u> |
|---|------------------------------|
| <u>30</u> | <u>200</u> |
| <u>35</u> | <u>225</u> |
| <u>40</u> | <u>275</u> |
| <u>45</u> | <u>325</u> |

- (8) Driveway design shall be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway.
- (c) Standards for Right-Turn Lanes and Tapers. Right-turn lanes and tapers shall be provided when:

- (1) expected right-turn ingress movements meet or exceed 25 vehicles per hour during a typical weekday peak traffic period.
 - (2) driveway volumes are expected to meet or exceed 100 vehicles per day.
 - (3) the Utah Department of Transportation or the County can document, through the Traffic Impact Analysis or other evidence, that such treatment is necessary to avoid congestion and/or unsafe conditions on the adjacent roadway.
- (d) Driveway Profile. Driveway profiles shall be determined using the following criteria:
- (1) The grade of a two-way, one-way or divided commercial driveway on a downgrade toward the highway shall not exceed 1.5 percent for a minimum distance of 25 feet from the edge of the pavement.
 - (2) The grade of a two-way, one-way or divided commercial driveway on an upgrade toward the highway shall not exceed 1.5 percent for a minimum distance of 100 feet from the edge of the pavement.
 - (3) If the highway is curbed and if the sidewalk is (10) feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation but if that grade would exceed the maximums specified above, the sidewalk shall be either tilted or inclined.
 - (4) If the highway is uncurbed, the grade of the driveway between the roadway edge of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach.
 - (5) If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be included at a rate not to exceed one foot vertical for every 24 feet horizontal.

~~5.10—Special Use Policies. See Chapter 3, Section 3.9 of this Code. The purpose of these policies is to provide additional regulation of certain uses.~~

~~(a) Home Occupations. Home occupations shall comply with the standards of Appendix C.~~

~~(b) Mobile Home Parks and Subdivisions. Mobile home parks and subdivisions shall comply with the standards of Appendix D.~~

~~(c) RV Parks. RV parks shall comply with the standards of Appendix E.~~

~~(d) Time Share/Nightly Rental. Time share projects and nightly rentals shall comply with the standards of Appendix F.~~

~~5.11~~ 5.17 Building Permits and Codes. The adoption and enforcement of building codes serves the public interest by providing for the inspection of structures for structural stability, fire resistance, adequate ventilation and other safety and sanitary features.

(a) Building Permit Required. Construction or removal of any building or structure or any part thereof, including all structures or uses of which plans have been approved as part of a rezoning, site plan, subdivision plat, conditional use permit or development agreement, shall not be commenced, or proceeded with, until a building permit is obtained from the county building inspector.

(b) Code Compliance. All structural development shall comply with the requirements of the Uniform Building Code, ~~excepting mobile homes located in mobile home parks or subdivisions~~ excluding manufactured homes.

(c) Water Required for Building Permit. A source of water must be provided prior to the issuance of a building permit for a dwelling. If the dwelling is to be served by an existing water system the building permit application must be accompanied by a statement from a representative of the system indicating that the water hook-up will be allowed and that the system can deliver adequate quality, quantity, and pressure to the proposed dwelling. If a private source of water is to be developed the building permit application must be accompanied by evidence of water rights or ownership of the proposed source or supply, application number from filings with the ~~State Division of Water Resources~~ State Engineer, and evidence that the source can be adequately isolated from all present and potential sources of pollution in accordance with State standards.

(d) Issuance of Building Permits Prior to Completion and Acceptance of Required Improvements. Building permits may be issued for construction in subdivisions and other projects prior to the completion and acceptance by the

County of the required property improvements provided, however, that no building permit may be issued until adequate financial assurance has been provided for completion of such improvements consistent with Chapter 6 herein. In such cases, the County Building Inspector may require that the applicant for a building permit sign a statement indicating the following:

- (1) That the applicant is aware of the terms of the bond or escrow account established to guarantee completion of required improvements to the satisfaction of the County.
- (2) That the applicant releases Summit County from liability for installation, maintenance, or repair of the required improvements until the same have been completed and accepted by the County.
- (3) That the applicant assumes all risk in connection with construction on the subject property.

(e) Prior to issuance of the building permit, the applicant shall post a bond or provide other financial security, in such form and sum as the Commission or BCC shall determine, with sufficient surety running to the County to offset any costs or expenses associated with the abatement of debris and material associated with construction activities on the site.

~~5.12~~ 5.18 Non-Conforming Uses.

(a) General Considerations. No building of structure constituting a nonconforming use shall be erected, ~~constructed~~ constructed, reconstructed, enlarged or altered, or ~~repairs~~ repaired in such manner as to prolong the life of such building or structure, in accordance with ~~§ Section 17.27-407~~ 17-27-407 of the Utah Code.

(b) Repair and Alterations. Normal maintenance and repair of a building or structure is permitted if it does not extend the nonconforming use. No alteration or enlargement shall be made in a building or structure occupied by a nonconforming use except:

- (1) When required pursuant to an order of a court of competent jurisdiction;
- (2) To adapt the building or structure to a conforming use, or

(3) In a building or structure occupied by a nonconforming use permitted to extend under Subsection (e) herein.

(c) Change of Use. Any nonconforming use may be changed to (1) any conforming use, or (2) on application to and with the approval of the Board of Adjustment to any use which the Board of Adjustment deems to be more similar in character with the uses permitted in the district in which the said change of use is proposed. Any lots or parcels that would otherwise be rendered unbuildable pursuant to the density restrictions of Section 5.9 herein shall be entitled to the construction of one (1) dwelling unit by applying for a minor permit.

(d) Cessation of Use. If active and continuous operations are not carried on in a nonconforming use during a continuous period of one (1) year, the building or land where such nonconforming use perviously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

(e) Extension or Enlargement. Extension or enlargement of a nonconforming use within the following areas is prohibited:

(1) In the case of a nonconforming use in a building, the enlargement of such building so as to create additional floor area, or the extension within any existing building to any portion of the floor area therein not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming, or the extension of the use to an area outside the building; and

(2) In the case of a nonconforming nonbuilding use, the use of any additional land on which no substantial operations were previously conducted; provided that any such extension or enlargement is on the same plot occupied by the nonconforming use on the effective date of this Order.

(f) Damage and Destruction. No buildings or structure occupied by a nonconforming use, or nonconforming as to bulk, damaged by fire or other causes to the extent of fifty percent (50%) of last full value as shown in the records located in the Assessor's office, excluding the assessed valuation of the land, shall be repaired or rebuilt except in conformity with the regulations of this Order. Any building, structure or any part thereof occupied by a nonconforming

use or nonconforming as to bulk, which is damaged to an extent less than fifty percent (50%) of last full value as shown in the ~~records~~ records located in the Assessor's Office, excluding the assessed valuation of the land, may be repaired provided that a building permit is obtained and substantial reconstruction is undertaken within one (1) year after such damage; otherwise such building, structure or part thereof shall thereafter be occupied only by a conforming use, and shall conform to the provisions of Chapter 5 of this Code.

5.19 Operational Performance Standards

(a) Noise

(1) Unless otherwise defined, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

(2) Method of Noise Measurement. Noise shall be measured with a sound level meter that meets the standards of American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2.) Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises shall be measured using the fast response of the sound level meter, and other noises using the slow response. Measurements shall be taken from the property line of the receiving land use.

(3) Maximum Permissible Sound Levels by Receiving Land Use⁷₁

[a] Maximum Sustained Sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use district in the table below.

underline - addition
~~striketrough~~ - deletion
~~redline underling~~ - PC addition
~~redline striketrough~~ - PC deletion

| <u>SOUND LEVELS BY RECEIVING LAND USE CATEGORY ZONING DISTRICT</u> | | |
|--|-------------------------|------------------------------|
| <u>Receiving Land Use Category</u> | <u>Time</u> | <u>Sound Level Limit dBA</u> |
| <u>LDR, MDR, HDR</u> | <u>7 a.m. - 10 p.m.</u> | <u>60</u> |
| | <u>10 p.m. - 7 a.m.</u> | <u>55</u> |
| <u>NC, CC, NC, RC, LI</u> | <u>7 a.m. - 10 p.m.</u> | <u>70</u> |
| | <u>10 p.m. - 7 a.m.</u> | <u>65</u> |
| <u>SL, CS</u> | <u>At All Times</u> | <u>60</u> |

(4) Exemptions. the following activities or sources are exempt from these noise standards:

[a] Activities covered by the following: stationary, non-emergency signaling devices, emergency signaling devices, operating motor vehicles or refuse collection vehicles.

[b] Railway locomotives and cars.

[c] The sounds of necessary farming equipment for a bona fide agricultural operation.

[d] Construction or routine maintenance of public service utilities.

[e] Church bells or chimes

[f] The emission sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(5) Pre-Existing Uses not in Conformance. Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now

finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving Zoning District by more than 10 decibels.

(b) Air Pollution

(1) Standard. To protect and enhance the air quality of Summit County, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Utah Department of Health. No person shall operate a regulated source of air pollution without a valid operation permit issued by the Utah Department of Health.

(2) Testing. Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Utah Department of Health and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

(c) Odor. Every use shall be operated to prevent the emission of objectionable or offensive odors in such a concentration as to be readily perceptible at or beyond property lines on which the use is located.

Section 7. Chapter 6 of the Snyderville Basin Development Code is hereby added to read as follows:

CHAPTER 6. SUBDIVISION STANDARDS AND INSTALLATION OF IMPROVEMENTS

6.1 Required Improvements and Improvement agreement

(1) Construction Plan Review

- (1) General Application Requirement.** Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Utah as required by state law governing such professions. Plans submitted for review by the County shall be dated and bear the responsible engineer's or architect's name, registration number and the designation of "professional engineer," "P.E." or "architect" and an appropriate stamp or statement identifying that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the County shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public improvements in roads, alleys, right-of-ways or easements shall be designed by a professional engineer registered in the State of Utah.
- (2) Construction Plan Review Procedure.** Copies of the construction plans, and the required number of copies of the plat shall be submitted to the Director for final approval prior to submittal of a final plat or site plan. The plans shall contain all necessary information for construction of the project, and other special features. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The County Engineer will release the plans for construction, subject to approval of the final plat or site plan by the BCC and payment of all necessary fees. Upon such release, each contractor shall maintain one set of plans, stamped and signed by the County, on the project at all times during construction. This procedure shall also apply to approval of a final plat or site plan, if a

preliminary plat or site plan.

- (3) Preconstruction Conference. The County Engineer may require that all contractors participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.
- (4) Conditions Prior to Authorization. Prior to authorizing construction, the County Engineer shall be satisfied that the following conditions have been met:
- (i) The preliminary plat shall have been approved as required in Section 4.7 of this Code or, for a site plan, Section 4.6 of this Code.
 - (ii) All required contract documents shall be completed and filed with the County Engineer.
 - (iii) All necessary off-site easements or dedications required for public facilities not shown on the final plat must be conveyed solely to the County, or other agency approved by the County, with proper signatures affixed. The original of the documents, and filing fees as determined by the Director shall be delivered to the County Engineer prior to approval and release of the Construction documents.
 - (iv) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the County Engineer. These plans shall remain on the job site at all times.
 - (v) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the County Engineer.
 - (vi) All applicable fees must be paid to the County.

6.2 Required Improvements. Applications for subdivision or site plan approval shall include all of the following required improvements:

- (a) temporary and permanent, structural and nonstructural soil conservation measures, and revegetation plantings,
- (b) temporary and permanent, structural and nonstructural runoff control measures,
- (c) structural or nonstructural measures intended to mitigate soils or slope limitations or geologic or avalanche hazards,
- (d) buffering, screening, and landscaping,
- (e) utilities, including water and sewerage service,
- (f) roads or road improvements, including school bus or oriented features and road identification and traffic control signs,
- (g) curbing and gutters, and sidewalks, if required by the BCC,
- (h) trails and bike racks,
- (i) parking and loading areas,
- (j) recreational facilities and/or other amenities represented by the applicant, and
- (k) landscaping treatments,

6.3 Installation. The installation of required improvements shall be at the applicant's expense.

6.4 Phasing. For site plan improvements, installation may be phased in accord with an approved phasing plan submitted with the application for a permit and approved by the BCC. In subdivisions a separate final plat or site plan shall be filed on each phase of the development.

6.5 Financing. Installation of the improvements required in a development or development phase may be guaranteed by:

- (a) installation of all required and represented improvements with an approved improvement agreement as provided in Section 6.9 of this Chapter, prior

to the filing of a final plat or final site plan; or

(b) provision of security for installation of improvements as provided in Section 6.9 of this Chapter.

6.6 Warranty. All improvements shall be warranted by the applicant for ~~one~~ two full year's normal operation. The County shall either retain ten (10) percent of the bond or escrow total, or require a bond or escrow equal to ten (10) percent of the required total improvement costs until ~~twelve~~ twenty four months from the date of completion of the improvements and acceptance thereof by the County as warranty should the improvements prove to be defective during said ~~twelve~~ twenty four month periods.

6.7 Maintenance. The maintenance of all required improvements shall be assigned to an appropriate public (such as Summit County or the Snyderville Basin Sewer Improvement District) or private (such as a homeowner's association) entity in a dedication, contract, covenant or other agreement. Such agreement shall be accepted by the BCC and the County Attorney as sufficient to assure perpetual maintenance of the improvements.

6.8 Revocation. Failure to properly install, warranty or maintain all required improvements shall result in the suspension or revocation of a development's permit or certificate of occupancy.

6.9 Improvement Agreement and Guarantee of Completion of Public Improvements.

(a) Improvement Agreement. The property owner shall enter into an improvement agreement incorporating approved development plans and by which the owner covenants to complete all required public improvements no later than ~~twelve (12)~~ twenty four (24) months following the date upon which the final plat is approved. The improvement agreement shall be approved by the BCC. The BCC may also require the property owner to complete and dedicate some required public improvements prior to approval of the final plat or final site plan and to enter into an improvement agreement for completion of the remainder of the required improvements during such period. The improvement agreement shall contain such other terms and conditions as are agreed to by the property owner and County.

- (b) Covenants to Run with the Land. The improvement agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the property owner. The improvement agreement shall be recorded in the Office of the Summit County Recorder and on file with the Department of Community Development. All existing lienholders shall be required to subordinate their liens to the covenants contained in the improvement agreement.
- (c) Security. Whenever the County permits a property owner to enter into an improvement agreement after approval of a final plat or site plan, it shall require the owner to provide sufficient security, to ensure completion of the required public improvements. The security shall be in the form of either:
- (1) a letter of credit, in the amount of one hundred twenty percent (120%) of the estimated cost of improvements, drawn upon a state or national bank. Said letter of credit shall (1) be irrevocable, (2) be of a term sufficient to cover the completion plus sixty (60) days, and warranty periods, and, (3) require only that the County present the issuer with a signed draft and a certificate signed by an authorized representative of the County certifying to the County's right to draw funds under the letter of credit, or
- (2) establishment of an escrow account or one hundred twenty percent (120%) bond for the estimated cost of the improvements of such costs with the guarantee that all improvements shall be installed within 2 years or the account or bond will be called by the County to complete the improvements. Acceptable escrow agents shall be the Summit County Treasurers Office, or banks or savings institutions which are federally insured. This 2 year deadline may be extended by the County upon a showing of sufficient cause but no additional phase of the development shall be permitted during such an extension.

In addition to all other security, for completion of those public improvements where the County participates in the cost, the owner shall provide a performance bond from the contractor, with the County as a co-obligee.

The issuer of any surety bond and letter of credit shall be subject to the

approval of the County Attorney.

- (d) Release of security. As portions of the public improvements are completed in accordance with the improvement agreement, County regulations, and the approved development plans, the developer may make application to the Engineer to reduce the amount of the original letter of credit or cash escrow. If the BCC is satisfied that such portion of the improvements has been completed in accordance with County standards, they may cause the amount of the letter of credit or cash escrow to be reduced by such amount that they deem appropriate, so that the remaining amount of the letter of credit or cash escrow adequately insures the completion of the remaining public improvements.
- (e) Governmental Units. Governmental units to which these contract and security provisions apply may file, in lieu of the security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Chapter.

6.10 Failure to Complete Improvements. For plats or site plans for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the County, the final plat or site plan approval shall be deemed to have lapsed and shall be null and void, and further proceedings on the plat or site plan shall terminate. In those cases where an improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the County may:

- (a) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- (b) Obtain funds under the security and complete the public improvements itself or through a third party;
- (c) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract; or

(d) Exercise any other rights available under the law.

6.11 Temporary Improvements. The property owner shall build and pay for all costs of temporary improvements required by the BCC and shall maintain those temporary improvements for the period specified by the BCC. Prior to construction of any temporary facility or improvement, the owner shall file with the County a separate improvement agreement and escrow, or, where authorized, letter of credit, in an appropriate amount equal to one hundred twenty percent (120%) of the estimated cost of installation and removal of such temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

6.12 Acceptance of Dedication Offers. Acceptance of formal offers of dedication of roads, public areas, easements, and parks shall be by application to the Director and County Engineer and approval of the BCC by ordinance following a recommendation by the Director and County Engineer. The approval by the BCC of a plat or site plan, whether preliminary or final, shall not of itself be deemed to constitute or imply the acceptance by the County of any road, easement, or park shown on the plat or site plan.

6.13 Inspection of Public Improvements

(a) General Procedure. The property owner shall be responsible for providing all construction surveying, materials testing and construction administration. The construction inspection provided by the property owner. Construction inspection shall be supervised by the County Engineer. Construction shall be in accordance with the approved plans, standard specifications and standard details of Summit County [Summit County Design and Construction Standards are provided under separate cover]. Any ~~minor~~ change in design shall be approved by the County Engineer. If the County Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the County's construction standards and specifications, the property owner shall be responsible for completing and/or correcting the public improvements.

(b) Certificate of Satisfactory Completion. The County will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the County Engineer, through submission of a detailed "as-built" survey plat of the property, the location, dimensions,

materials, and other information required by the BCC or County Engineer. The as-builts shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat or site plan. Each as-built sheet shall show all changes made in the plans during construction and on each sheet there will be an as-built stamp bearing the signature of the County Engineer, and date.

- (c) The applicant's engineer shall provide to the County two reproducible drawings and a CAD drawing file compatible to the County's CAD system, of each of the utility plan sheets containing the as-built information. When such requirements have been met, and verified by the County Engineer and Director, the County, shall thereafter accept the public improvements for dedication in accordance with the established procedure as set forth in Section 6.12 hereto. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the County for use and maintenance. The BCC may, at their discretion, accept dedication of a portion of the required public improvements, provided adequate surety has been given for the completion of all of the required public improvements.

6.14 Issuance of Building Permits and Certificates of Occupancy

- (a) ~~Subject to Except as~~ provided in Section 5.17(d) of this Code, no building permit shall be issued for a lot or building site unless all public improvements as required for any applicable subdivision plat or site plan have been completed, or are part of an improvement agreement as per Section 6.9 of this Code, as attested to by the Director and County Engineer and all applicable service providers.
- (1) The Director may authorize building permits for non-residential and multi-family dwellings provided that a final site plan has been approved by the County and construction plans have been released by the County Engineer.
- (2) The Director may authorize the Building Official to issue residential building permits for a portion of a subdivision provided all public improvements have been completed and accepted by the County Engineer, for that portion of the development, including

underline - addition
~~strike through~~ - deletion
redline underline - PC addition
~~redline strike through~~ - PC deletion

but not limited to, those required for fire and emergency protection, and an improvement agreement has been approved by the County for a completion of all remaining public improvements and there remains adequate security to complete all public improvements.

- (b) No certificate of occupancy shall be issued for a building or the use of property unless all improvements necessary to serve the property have been completed and accepted.

Section 8. Chapter 7 of the Snyderville Basin Development Code is hereby repealed and a new Chapter 7 is enacted as follows:

CHAPTER 7. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

7.1 Forms.

The Director shall promulgate submittal requirements, instructions for completing forms, internal procedures for acceptance and filing of applications, and provisions for waiver by administrative guideline. Additional information may be required for particular applications. Necessary forms shall be prepared for the administration, interpretation and enforcement of this Code and shall be maintained at the offices of the Department of Community Development, including:

- (a) Application for General Plan Amendment - General Plan Land Use Map
- (b) Application for Rezoning
- (c) Application for Minor Permit
- (d) Application for Sketch Plan Approval
- (e) Application for Preliminary Site Plan Approval
- (f) Application for Final Site Plan Approval
- (g) Application for Preliminary Subdivision Plat Approval
- (h) Application for Final Subdivision Plat Approval
- (i) Application for Conditional Use Permit Approval
- (j) Application for Master preliminary plan~~t~~ Approval
- (k) Application for Specific Plan Approval
- (l) Application for Determination of DCI Status
- (m) Application for Development Agreement Approval

- (n) Model Development Agreement
- (o) Application for Variance
- (p) Notice of Appeal to the BOA or BCC
- (q) Notice of Pending Ordinance

7.2 Sketch plan (Submit prior to the Pre-application Conference) - The following information and data is required:

(a) Sketch plans submitted to the Director, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

(1) Name.

[a] Name of subdivision if property is within an existing subdivision.

[b] Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

[c] Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(2) Ownership.

[a] Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

[b] Citation of any existing legal rights-of-way or easements affecting the property.

[c] Existing covenants on the property, if any.

[d] Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

(3) Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.

[a] Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, existing wooded areas, and all other vegetation areas; location, width, and names of all existing or platted roads or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

[b] Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

[c] Approximate topography.

[d] A slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-15 %, 15 %-30 %, and slopes exceeding 30 %, including a tabulation of the number of acres in each slope percentage.

[e] A delineation of ~~environmentally sensitive areas including, but not limited to, wetlands, slopes exceeding 25 %, and threatened or endangered species habitats~~ Sensitive Areas.

[f] The approximate location and widths of proposed roads.

[g] Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; and preliminary provisions for collecting and discharging surface water drainage.

[h] The approximate location, dimensions, and areas of all proposed or existing lots.

[i] The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision or site plan.

[j] The location of temporary stakes to enable the Commission and BCC to find and appraise features of the sketch plan in the field.

[k] Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision or development area, ~~together with its proposed road system, and an indication of the probable future road system,~~ and an indication of the probable future road and drainage system of the remaining portion of the tract.

[l] A vicinity map showing roads and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

(4) A description of the proposed development including proposed uses and coverage.

(5) Layout shall show where individual buildings are to be situated on the site, including building area. It shall also show distances from these buildings to property lines, locations for signs, and location of lighting. However, it shall portray sufficient detail to clearly indicate the intent of the proposed development.

(6) Developments intended to be constructed in phases shall graphically show the proposed phasing.

7.3 Non-Residential and Residential Development Plans - The following information is required for all preliminary subdivision plats and preliminary site plans:

- (a) A graphic layout clearly and legibly drawn on acceptable material to a scale of no more than 1" = 100'.
- (b) A title block shall be placed on the plan showing:
 - (1) Proposed name of the development
 - (2) Type of development
 - (3) Name and address of owner of record, developer and designer.
 - (4) Graphic and written scale and date of preparation.
- (c) Location of north, township and range, section lines, and other monuments, as well as a vicinity map of the site at a minimum scale of 1" = 2000'.
- (d) Surveyed boundary of the development giving location of and dimension to the nearest benchmark or monument, and total approximate acreage encompassed thereby. The names of all adjacent property owners shall be shown.
- (e) Topographic contour intervals of no greater than five (5) feet unless otherwise stipulated by the Department of Community Development.
- (f) The location and dimensions of all buildings, whether existing or proposed, including building area. Building setback lines shall be included.
- (g) The location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, irrigation ditches, areas where ground water rises periodically to within five feet of the surface of the ground, and areas which would be covered in the event of 100 year floods.
- (h) The location of all entrances onto adjacent roadways, whether existing or proposed.
- (i) All roadway locations and dimensions, their names, numbers, and rights-of-way with profiles and cross sections of all proposed roads showing proposed cuts and fills.

- (j) Location and size of existing water and sewer mains together with ~~intended~~proven water sources and sewage disposal sites.
- (k) Location of existing springs or public water supply.
- (l) Existing significant vegetative cover, including all healthy, desirable trees, shrubs or vegetation.
- (m) ~~Proposed~~IL layout of development including ~~proposed~~ power lines, bridges, utilities, utility easements, equestrian, pedestrian and bicycle trails, lots, and common space.
- (n) Location of proposed water and sewer lines.
- (o) Location of proposed fire hydrants.
- (p) Proposed irrigation system if separate from the domestic water system.
- (q) Proposed drainage system for both surface and flood water in conformance with Summit County Engineering Standards.
- (r) The location, dimensions and surface type of all parking facilities including handicapped and loading area, whether existing or proposed.
- (s) Slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-8%, 8-15%, 15-30% and ~~30-40%~~ slopes exceeding 30%, including a tabulation of the number of acres in each slope percentage.
- (t) The location of all outdoor lighting fixtures including the ~~manufactures~~ manufacturer's specifications of the area to be lighted with such fixtures.
- (u) The location, dimensions, materials, and colors of signs, including the type ~~of~~ and height of those signs.
- (v) Maximum height of all buildings.
- (w) Location of solid waste containers including proposed design provisions for screening.

(x) Tabulation of the number of acres in the proposed development, showing the total number of lots, area of open space, and proposed impervious coverages for the site including the following:

(1) Square footage of all buildings and structures, measured at their greatest extent so as to include areas overhung by eaves, balconies, decks, and other projecting features of the structure.

(2) Square footage of all paved or otherwise hard surfaced roads, parking facilities, including curb and gutters, walks, loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.

(y) The proposed treatment of the perimeter of the development, including materials and techniques used, such as screens, fences, walls and other landscaping.

(z) A development phasing schedule including the sequence for each ~~phase~~ phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.

(aa) Location and size in acres of any public use proposed such as parks, school sites, and similar public agency uses.

(ab) Location of snow removal storage areas.

(ac) A list of the names and addresses of all owners of record of real property within 1000 feet of the parcel of land proposed for development, including the names and addresses of the holders of any valid mineral leases on the property proposed for development.

(ad) Grading and Conservation Plan - The following information and data is required:

(1) ~~Grading plan (scaled 1' = 50' min. with 2' contour intervals) showing proposed~~ Proposed cuts and fills (scaled 1' = 50' min. with 2' contour intervals) required by the location of all building structures and roads. Phased site grading and stabilization or revegetation shall be included in the Grading and Conservation Plan. Proposed erosion control and conservation techniques shall also be shown.

(2) ~~Conservation plan shall show the~~ The degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.

(3) ~~Conservation plan shall indicate the~~ The length of time that will pass from the date ground cover on the site is first disturbed until new ground cover is established.

(4) ~~Conservation plan shall show the~~ The possible area of land exposed at any one time during construction.

(5) ~~Conservation plan shall show~~ The temporary vegetation or mulching used to protect ~~critical areas~~ exposed during development.

(6) ~~Conservation plan shall show~~ The location, dimensions and maintenance of sediment basins, as necessary.

(7) Calculations for soil loss during and after construction based on the Universal Soil Loss Equation found in ~~the Snyderville Basin Plan Technical Document~~ Section 5.2(e)(2) of this Code.

(ae) Landscaping and Maintenance Plan - The following information and data is required:

(1) A general landscaping plan indicating the treatment of materials used for open space, landscaped buffers or common ownership consisting of:

[a] Minimum scale of 1" - 5'.

[b] Planting areas drawn to scale with a list of the name, number, and size of all plants designated for each area.

[c] Location, name, and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.

[d] Location and width of landscaped buffer strips, including height of berms.

[e] Location and sizes of irrigation facilities adequate to maintain the planting areas. ~~(Use of automatic watering systems is encouraged).~~

~~(af) Guidelines for landscaping materials are outlined in policy 5.7.4(9).~~

7.4 Subdivision Documents.

(a) Preliminary Plat. In addition to the requirements of Section 7.3, a preliminary plat shall conform to the following:

(1) General. The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Summit County Recorder, but shall be thirty-four by forty-four (34 x 44) inches or larger. The map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(2) Features. The preliminary plat shall show the following:

[a] The location of property with respect to surrounding property and roads, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining roads.

[b] The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

[c] The location of existing roads, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, as determined by the BCC.

[d] The location and width of all existing and proposed roads and easements, alleys, and other public ways, and easement and proposed road rights-of-way and building set-back lines.

[e] The locations, dimensions, and areas of all proposed or existing lots, including building area.

[f] The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

[g] The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

[h] The date of the map, approximate true north point, scale, and title of the subdivision.

[i] Sufficient data acceptable to the County Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

[j] Names of the subdivision and all new roads as approved by the BCC.

[k] Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

[l] Lots shall be consecutively numbered or lettered in alphabetical order. The lots in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

[m] All information required on sketch plan shall also be shown on the preliminary plat, and the following notation shall also be shown:

[1] Explanation of drainage easements, if any.

[2] Delineation of natural features including, but not limited to, wetlands, floodplains and floodways, slopes

exceeding 15%, vegetation areas, and threatened or endangered species habitat.

[3] Explanation of site easements, if any.

[4] Explanation of reservations, if any.

[5] Endorsement of owner, as follows:

owner date

[n] Form for endorsements by Commission Chairman as follows:

Approved by Resolution of the _____
BCC.

Chairman Date

[o] The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

(b) Requirements for Construction Plans.

(1) General. Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

[a] Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all roads shall be shown.

[b] The BCC may require, where steep slopes exist, that cross-sections of all proposed roads at one-hundred-foot stations be shown at five (5) points as follows: On a line at right angles to

the center line of the road, and said elevation points shall be at the center line of the road, each property line, and points twenty-five (25) feet inside each property line.

[c] Plans and profiles showing the locations and typical cross-section of road pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the locations of road trees, road lighting standards, and road signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

[d] Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing roads, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the General Plan at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of two (2) inches or more, measured twelve (12) inches above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.

[e] Topography at the same scale as the sketch plan with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

[f] All specifications and references required by the County's construction standards and specifications, including a site-grading plan for the entire subdivision.

[g] Notation of approval as follows:

Owner

Date

Chairman, Board of County Commissioners

Date

[h] Title, name, address, and signature of professional engineer and surveyor, and date revision dates.

(c) Final Subdivision Plat.

(1) General. The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the BCC, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the BCC's resolution. All revision dates must be shown as well as the following:

[a] Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the BCC in accordance with this Code.

[b] Endorsement of the County Health Department.

[c] Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property.

[d] Lots numbered as approved by the County Assessor.

[e] All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

(2) Preparation. The final subdivision plat shall be prepared by a land surveyor licensed by the State of Utah.

(3) Plat contents. In addition to the requirements of Section 7.4(a) hereto, final ~~Final~~ subdivision plats shall conform to current surveying practice and shall show the following information:

A. a title block giving the subdivision's name and the quarter-quarter section, section, township, range, principal median, and County of its location.

B. The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.

C. A notation of any adjoining plats or certificates of survey and titles thereto.

D. The basis of bearings used and a north point.

E. a scale, not smaller than 1" to 100'

F. all existing monuments found during the course of the survey (including a physical description such as "brass cap").

G. all existing easements or right-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records.

H. all lots, blocks, rights-of-way, and easements (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose. For curved boundaries the curve radius, central angle, and length of arc shall be given.

I. all monuments set during the course of the survey

(including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.

J. the area of all lots or parcels created by the subdivision and in a separate table or in the owner's certificate a summary of total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels.

K. a vicinity map locating the subdivision within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.

L. the owner's certificate of consent including a legal description of the subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized.

M. the owner's certificate should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.

N. a certificate of consent from any and all mortgagors, lienholders, or others with a real property interest in the subdivision. These certificates shall be signed, dated, and notarized.

O. a certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed, and dated.

P. signature blocks prepared for the dated signatures of the Chairpersons of the Commission and of the BCC and of the Summit County Recorder, including County Engineer, County Attorney, Utah Power & Light Co. (utility easement coordination) and Snyderville Basin Sewer Improvement District.

2. Plat materials; size; copies. Plats may be prepared on linen or on a stable base polyester film (Mylar). Plats may be either 18 by 24 or 24 by 36 inches. Three paper copies shall be submitted along with the linen or film copy. A copy of the submitted plats for condominiums and/or

subdivisions must also be provided on 18" X 18" mylar or linen.

3. Multiple sheets. Multiple sheet plats may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps.)

4. Plat accuracy. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.

5. As-built plats. A plat showing all required improvements shall be submitted upon their completion. The "as-built" plat shall show typical road sections, typical culvert installations, and similar information to facilitate long run maintenance of the improvements.

6. Condominium plats. Reference is made to Section 57-8 UCA for definition, specific requirements, etc.

A. Building permits for condominium units can be issued following approval of the final plat by the Commission and the BCC is provided by Chapter 5 of this Code. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the Building Official.

B. All condominium plats shall be filed in the office of the Summit County Recorder following completion of construction and before acceptance of improvements.

~~7. Amendments to Plats. Any owner of land that has been platted and recorded may, upon application to the BCC, have such plat, or any portion thereof vacated, altered, or changed as hereinafter provided.~~

~~A. If it is desired to vacate or alter a portion only, or the entire plat, application in writing, signed by all the owners of the land contained in the entire plat and the owners of the land contiguous or adjacent to any road therein, shall be made to the BCC.~~

~~B. The BCC shall at its next regular meeting after the filing of such application consider the same, and if satisfied that neither the~~

~~public nor any person will be materially injured thereby and that the intent and provisions of this Code will be upheld, it shall order such portion or the entire plat to be vacated or altered as prayed for in the petition, which order shall be recorded in the Office of the County Recorder.~~

7.5 Site Plans.

Preliminary site plans shall contain the following information:

- (a) A vicinity map at a scale of not less than one (1) inch equals one thousand (1,000) feet (1" = 1,000 ~~ft.~~feet);
- (b) A legal description and accompanying map exhibit of the property at a scale of one inch equals one hundred feet (1' = 100 ft.) showing the location and type of boundary evidenced. ~~Some description may be related to the USC and GS, state grid north, if in accordance with the two adjacent corners are shown.~~ Such information should be provided from the recorded plats. The legal description shall include the following data:
 - (1) Metes and bounds of all property lines;
 - (2) Total area of property;
 - (3) North scale and north arrow; and
 - (4) Name and route numbers of boundary roads and the width of existing right(s)-of-way.
- (c) Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two percent (2%) than either one foot contours or spot elevation shall be provided where necessary.
- (d) A final detailed land use plan at a scale of one inch equals one hundred feet (1" = 100 ft.) showing:
 - (1) The location and arrangement of all proposed uses, including building area;

- (2) The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade;
- (3) A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;
- (4) The yard dimensions from the development boundaries and adjacent roads and alleys;
- (5) The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, walkways and bicycle paths;
- (6) Off-road parking and loading areas and structures, and landscaping for parking areas;
- (7) Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities;
- (8) Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping;
- (9) A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening;
- (10) When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.
- (11) A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas;
- (12) A final statement in tabular form which sets forth the

following data, when such data is applicable to a given development plan:

- [a] Total number of dwelling units, by development phase;
- [b] Residential density and units per acre;
- [c] Total floor area and floor area ratio for each type of use;
- [d] Total area in open space;
- [e] Total area in developed recreational open space; and
- [f] Total number of off-road parking and loading spaces.

7.6 Phased Subdivision Applications.

(a) Preliminary Plat or Site Plan. The preliminary plat or site plan for a Phased Subdivision Application shall include: (1) for the first phase of the proposed subdivision or site plan, a series of mapped information sheets and any additional supporting documentation meeting the requirements of Section 7.3 herein; and (2) for the first phase and the remainder of the proposed subdivision, a Master preliminary plan. An applicant for phased subdivision approval may request that the County enter into a Development Agreement and, if executed, the Development Agreement shall additionally bind the applicant and the County.

(b) Master preliminary plan. The Master preliminary plan shall consist of mapped information sheets and supporting documentation which includes the following information

- (1) for the initial phase of the proposed development, a preliminary site plan or subdivision plat consistent with the requirements of Sections 7.3, 7.4(a) and 7.5 herein; and
- (2) for all phases of the proposed subdivision:

- [a] Name of additional subdivision phases, if determined;
 - [b] A vicinity plan showing the location of the entire subdivision in relation to adjacent parcels and uses;
 - [c] Zoning classification and proposed densities/intensities of development for each phase of development;
 - [d] External Buffers separating the exterior boundaries of all phases of the proposed subdivision from adjacent land uses;
 - [e] Provisions for road linkages from the first phase of the proposed subdivision to subsequent phases to ensure that proper access is available to such subsequently subdivided parcels; and
 - [f] the impacts of the development, at the densities/intensities of development established pursuant to Section 7.6(b)(2)(d), above, on off-site public facilities and services, including potable water, wastewater, transportation, drainage, solid waste and parks and recreation. Such information shall include a traffic impact analysis.
- (c) Specific Plans. A proposed Specific Plan shall include, at a minimum, the following:
- (1) a description of the planning area to be included within the Specific Plan, including any appropriate maps or diagrams;
 - (2) a description of the density and intensity of development, by land use, including the amount of density or intensity for each geographic sub-area of the development which will require development phasing. Such description shall include the range of development densities or intensities by each ~~land-use-category~~ Zoning District and for each development phase;
 - (3) proposed buffers, landscaping and screening between the area covered by the Specific Plan and adjacent land uses, which shall be included in appropriate maps and/or diagrams;
 - (4) a capital improvements program for transportation and other public

facilities required pursuant to the Summit County General Plan to ensure development staging contingent on the availability of facilities and services, including:

- [a] infrastructure to be provided within the boundaries of the Specific Plan area, including proposed financial mechanisms for ensuring the installation of such improvements; and
 - [b] the need for additional public facilities within the County outside of the Specific Plan boundaries, including financial mechanisms for ensuring the installation of such improvements including, without limitation, impact fees, developer exactions or special districts;
- (5) the identification of environmentally sensitive lands within the Specific Plan area and the effect of the density or intensity of project development on such areas, including, without limitation, aquifer recharge areas, wetlands, habitat areas for endangered or threatened plant or animal species, or archeological sites;
- (6) the identification of resources and facilities of regional and state significance, including land development regulations, covenants and other restrictions adequate to protect such resources and facilities; and
- (7) proposed land development regulations or amendments to the Summit County Land Development Code necessary to implement the Specific Plan including, but not limited to, an indication of the maximum range of density or intensity of development; proposed uses; development phasing; External Buffers; the provision of on-site infrastructure; and the impact of the development proposed within such area on public facilities and services, environmentally sensitive areas, and regional resources or facilities outside of the Specific Plan area boundaries, including proposed methods for mitigating the impact of the development proposed within such area based upon the density or intensity of development.

7.7 Concurrency Management.

- (a) In accordance with the the adopted level of service standards, the applicant shall submit the following prior to submitting an application for a rezoning or subdivision, site plan or conditional use approval:

(1) Water Level of Service:

[a] A feasibility letter for the proposed water supply issued by the State Division of Environmental Health.

[b] Evidence of coordination with the public or private water service provider, including an agreement for service, commitment service letter or other binding arrangement for the provision of water services.

[c] Evidence that adequate water rights have been obtained, including an approved application for appropriation or change application endorsed by the State Engineer pursuant to Section 73-3-10 of the Utah Code, and a certificate of appropriation or certificate of change issued in accordance with Section 73-3-16 of the Utah Code. The County shall not accept an application or certificate that has lapsed, expired or been revoked by the State Engineer.

[d] If the entity providing service is regulated by the Public Service Commission, a A certificate of convenience and necessity or an exemption therefrom, issued by the state Public Service Commission, for the proposed water supplier, including an indication of the service area of the proposed water supplier.

[e] An analysis of the capacity of the water supplier, and the demand created by the proposed development for potable water, based upon the adopted level of service. Such analysis shall be provided by a registered engineer.

(2) Sewer Level of Service:

[a] A line extension agreement approved by the Snyderville Basin Sewer Improvement District for at least the first phase of the proposed development. No subsequent development phases shall be approved until a line extension agreement has been submitted and approved by the Snyderville Basin Sewer Improvement District indicating that adequate sewer capacity is available for such phases. No final subdivision plat, final site plan or final conditional use permit shall be approved until the applicant has

paid the applicable system capacity fee for the entire project or phase of the proposed development. The submission and acceptance of a line extension agreement by the applicant shall not guarantee approval at subsequent stages of the development approval process if adequate sewer capacity pursuant to ~~§§ 16.1.6 and 16.1.7~~, as measured by the the adopted level of service, becomes unavailable due to the failure to pay system capacity fees.

[b] Certification of compliance with septic tank capacity and absorption area standards by the Utah Department of Environmental Quality.

(3) Drainage Level of Service: ~~Drainage data including-~~

[a] a description of existing or proposed drainage facilities or stormwater management systems on the proposed development site, including system capacity and the ultimate point of discharge; and

[b] building elevations; and

[c] drainage calculations using the Rational Method including, at a minimum:

[1] storm events used, including depth, duration and distribution;

[2] the dimensions, measurements and percentage of impervious surface coverage, including the runoff coefficient;

[3] the predevelopment condition for stormwater runoff; and

[4] the anticipated rate, volume, direction and pollutant load of surface water or groundwater flow anticipated following the completion of construction.

(4) Transportation Level of Service: A traffic impact analysis including, at a minimum, the following:

[a] Existing traffic conditions, including a twenty-four hour traffic count conducted for a period of five (5) weekdays (Monday-Friday) on all roadways which have direct access to a proposed development site.

[b] Roadway service volumes calculated at the adopted level of service, based upon the TRANSPORTATION RESEARCH BOARD, HIGHWAY CAPACITY MANUAL: SPECIAL REPORT 209 (1985). The calculation of roadway level of service shall take into consideration lane width; number of lanes; restricted lateral clearance; service volume-to-capacity ratio; percentage of site passing distance greater than one thousand five hundred (1,500) feet; percentage of trucks; grade; and operating and average roadway speeds. The level of service calculation for each roadway link shall be based upon ideal conditions.

[c] The average weekday trip generation rates (trip ends) and the highest average hourly weekday trip generation rate between 3 P.M. and 6 P.M. for the proposed use shall be determined based upon the trip generation rates contained in the INSTITUTE OF TRANSPORTATION ENGINEERS, TRIP GENERATION (5th Ed. 1991).

[d] The distribution of trips to arterial and collector roadways within the area impacted by the development, based upon a gravity model in conformity with accepted traffic engineering principles, taking into consideration the ~~land-use-categories~~ Zoning Districts of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding land uses, population and employment; and existing traffic conditions.

[e] An intersection analysis, taking into consideration lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage of trucks, intersection width, number of lanes, signal progression, ratio of signal green time to cycle time (G/C ratio), roadway grades, pedestrian flows, and peak hour factor.

(5) Fire Protection Level of Service: Certification of compliance with

adopted levels of service by the Park City Fire Service District.

(6) School Level of Service: Certification of compliance with the adopted level of service by the Park City School District.

(b) All plans and specifications required pursuant to ~~the Level of Service Goals and Policies~~ this Section shall be stamped and signed by a licensed professional engineer licensed in accordance with the Professional Engineers and Land Surveyors Licensing Act, Sections 58-22-1 *et seq.* of the Utah Code.

(c) Where the applicant is required to submit plans and specifications approved by another regulatory agency or service provider including, but not limited to, the Snyderville Basin Sewer Improvement District, the Park City School District, the Park City Fire Service District, State Drinking Water Board, State Engineer, or Public Service Commission, such plans and specifications shall not be accepted for purposes of concurrency review unless and until the applicant has complied with the following procedures:

(1) Prior to presenting the plans and specifications to the service provider or regulatory agency, the applicant shall present such plans to the Director ~~for certification~~. The Director shall stamp the plans and specifications for purposes of ~~certification~~ for review by the applicable service providers or regulatory agencies. The certification described herein shall be for purposes of permit tracking only, and shall not constitute approval of the proposed development for any purposes ~~of the adopted level of service standard~~.

(2) Any substantial revision to or deviation from such plans and specifications shall be presented to the Director for certification prior to its resubmittal to the service provider or regulatory agency.

(3) No plans or specifications reviewed by the service provider or regulatory agency shall be accepted by the Director unless such plans have been certified by the Director and the plan or specification has been approved in its entirety by the applicable service provider or regulatory agency.

APPENDIX I: DEVELOPMENTS OF COUNTY IMPACT

1. The following guidelines and standards shall be applied in the manner described in Section 2 to determine whether the following developments shall be required to undergo DCI review:

1.1 Residential Developments.

1.1.1 Any proposed residential development that:

1.1.2 As used in this section, the term "residential development" shall include, but not be limited to:

1.1.2.1 the subdivision of any land attributable to common ownership into lots, parcels, units or interests, or

1.1.2.2 land or dwelling units which are part of a common plan of rental, advertising, or sale, or

1.1.2.3 the construction of residential structures, or

1.1.2.4 the establishment of mobile home parks.

~~1.1.3 As used in this section, the term "dwelling unit" shall mean a single room or unified combination of rooms, regardless of form of ownership, that is designed for residential use by a single family. This definition shall include, but not be limited, to condominium units, individual apartments and individual houses.~~

1.2 Shopping Centers. Any proposed retail or wholesale business establishment or group of establishments operated under one common property ownership or management, such as a shopping center or trade center, that:

1.2.1 occupies more than ten (10) acres of land; or

1.2.2 encompasses more than fifty thousand (50,000) square feet of gross floor area; or

1.2.3 provides parking spaces for more than two hundred (200) cars.

1.3 Hospitals. Any proposed hospital which has a design capacity of more than one hundred (100) beds, or whose application for a certificate of need shows in the statement of purpose and need that such hospital is designed to serve the citizens of more than one county.

1.4 Mining Operations. The following development shall be presumed to be a development of county impact: Any proposed solid mineral mining operation which annually requires the removal or disturbance of solid minerals or overburden over an area, whether or not contiguous, greater than five (5) acres. In computing the acreage for this purpose, a removal or disturbance of solid minerals or overburden shall be considered part of the same operation if it is all located within a circle, the radius of which is one (1) mile and the center of which is located in an area of removal or disturbed solid minerals or overburden.

1.4.1 As used in this section:

1.4.1.1 The term "overburden" means the natural covering of any solid mineral sought to be mined, including, but not limited to, soils, sands, rocks, gravel, limestone, water or peat.

1.4.1.2 The term "solid mineral" includes, but is not limited to, clay, sand, gravel phosphate rock, lime, stone and any rare earths contained in the soils or waters of this state, which have theretofore been discovered or may be hereafter discovered.

1.5 Airports.

1.5.1 A new commercial service or general aviation airport with paved runways.

1.5.2 A new commercial service or general aviation paved runway.

1.6 Attractions and recreation facilities. Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a ski resort or ski run, sports arena, stadium, racetrack, tourist attraction, or amusement park, the construction or expansion of which:

1.6.1 For single performance or serial performance facilities:

1.6.1.1 Provides parking spaces for more than two hundred (200) cars; or

1.6.1.2 Provides more than two thousand (2,000) permanent seats for spectators.

1.6.2 For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day or a regular or continuous basis.

1.7 Industrial plants, industrial parks, and distribution warehousing or wholesaling facilities. Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:

1.7.1 Provides parking for more than two hundred (200) motor vehicles; or

1.7.2 Occupies a site greater than twenty (20) acres.

1.8 Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1.8.1 Encompasses fifty thousand (50,000) or more square feet of gross floor area; or

1.8.2 Has a total site size of twenty (20) or more acres.

1.9 Retail and service development. Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1.9.1 Encompasses more than fifty thousand (50,000) square feet of gross area;

1.9.2 Occupies more than twenty (20) acres of land;

1.9.3 Provides parking spaces for more than two hundred (200) cars.

1.10 Hotel or motel development. Any proposed hotel or motel development that is planned to create or accommodate one hundred (100) or more units.

1.11 Recreational vehicle development. Any proposed recreational vehicle development planned to create or accommodate one hundred (100) or more spaces.

1.12 Multi-use development. Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in Section 4.10(c)(3)[b] for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo specific plan review under any other threshold.

2. Application of DCI Review Status Standards. The guidelines and standards shall be applied as follows:

2.1 In applying the guidelines and standards for review of DCI status, the Director shall consider and shall be guided by:

2.1.1 The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.

2.1.2 The amount of pedestrian or vehicular traffic likely to be generated.

2.1.3 The number of persons likely to be residents, employees, or otherwise present.

2.1.4 The size of the site to be occupied.

2.1.5 The likelihood that additional or subsidiary development will be generated.

2.1.6 The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.

2.1.7 The unique qualities of particular areas of the Snyderville Basin.

2.2 Fixed thresholds.

2.2.1 A development that is at or below 80 percent of all numerical thresholds

in the guidelines and standards shall not be required to undergo DCI review.

2.2.2 A development that is at or above 120 percent of any numerical threshold shall be required to undergo DCI review.

2.2.3 Rebuttable presumptions. It shall be presumed that a development that is between 80 and 100 percent of a numerical threshold shall not be required to undergo DCI review. It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo DCI review.

3. Aggregation Rules.

3.1 Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this Section when they are determined to be part of a unified plan of development and are physically proximate to one another.

3.2 The criteria of two of the following subparagraphs must be met in order for the Director to determine that there is a unified plan of development.

3.2.1 The same person has retained or shared control of the developments;

3.2.2 The same person has ownership or a significant legal or equitable interest in the developments; or

3.2.3 There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

3.2.4 There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3.2.5 A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to the County, a special district, or any state or federal agency for authorization to commence development. The existence or implementation of a master plan shall not be the sole determinant of the existence of a master plan.

3.2.6 The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by the County or a special district.

3.2.7 There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

3.3 The following activities or circumstances shall not be considered in determining whether to aggregate two or more developments:

3.3.1 Activities undertaken leading to the adoption or amendment of any General Plan element.

3.3.2 The sale of unimproved parcels of land, where the seller does not retain significant control of the future development of the parcels.

3.3.3 The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.

3.4 Aggregation is not applicable when two or more developments, each of which is independently a development of county impact, has or will obtain a specific plan.

3.5 For purposes of this Section, the following terms shall have the following meanings for purposes of applying the aggregation rules:

3.5.1 "Physically proximate" means that any portion of two or more developments is located:

3.5.1.1 No more than one-fourth (1/4) mile apart in the Tier 1, Tier 2, Future Urbanizing or Joint Planning-Urban Expansion Areas; or

3.5.1.2 No more than one-half (1/2) mile apart in areas that are not designated as urbanized areas in subsection a) above.

3.5.1.3 Notwithstanding anything in this rule to the contrary, two or more developments will be considered physically proximate when they are separated by property contiguous to the developments that are owned

or controlled by the same person or entity who owns or controls a significant legal or equitable interest in those developments sought to be aggregated, so long as the distance between the developments does not exceed two miles.

3.5.2 "Significant legal or equitable interest," means that the same person has an interest or an option to obtain an interest of more than 25 percent (25%) in each development for the following types of interests:

- 3.5.2.1 a fee simple estate;
- 3.5.2.2 a leasehold estate of more than thirty (30) years duration;
- 3.5.2.3 a life estate;
- 3.5.2.4 mineral rights in mining developments; or
- 3.5.2.5 similar equitable, beneficial or real property interests in the development.
- 3.5.2.6 A lessor's interest under a lease or more than thirty (30) years duration is not a significant legal or equitable interest.

3.5.3 "Reasonable closeness in time" for the purposes of this rule will mean within five (5) years.

3.5.4 "Completion of 80 percent (80%)" means:

3.5.4.1 For purposes of residential development, when up to 80 percent (80%) of all improved lots or parcels have been constructed or received certificates of occupancy or have been sold to bona fide third party purchasers or when 80 percent (80%) of all dwelling units have received certificates of occupancy.

3.5.4.2 For purposes of all other types of development, up to 80 percent (80%) of all improved lots or parcels have been sold to bona fide third party purchasers or when 80 percent (80%) of all of the development has received certificates of occupancy, or when no certificates of occupancy are required for the use of the development, when 80 percent (80%) of the physical development activity or construction has occurred.

3.5.4.3 For purposes of satisfying the above eighty percent (80%) standard, the development and approval actions listed in subparagraphs a) and b) may be added together and accumulated.

3.5.5 "Sharing of infrastructure" means the voluntary joint use by two or more developments of internal roadways, internal recreational facilities or parks, amenities; or water, sewage or drainage facilities specifically constructed to accommodate the developments sought to be aggregated. Shared infrastructure does not include:

3.5.5.1 Any joint or shared use of private or public infrastructure specifically required under an established policy if general applicability as set forth under the General Plan;

3.5.5.2 Any joint or shared use of public recreational facilities or parks so long as they were to conveyed by a person with a significant legal or equitable interest in the developments sought to be aggregated;

3.5.5.3 Any joint or shared use of publicly financed drainage or stormwater management facilities, roadways or water or sewer facilities which were not constructed or financed specifically to accommodate the developments considered for aggregation; or

3.5.5.4 Design features, financial arrangements, donations, or construction that is specified in and required by a development agreement.

3.5.6 "Common advertising scheme or promotional plan" means any depiction, illustration, or announcement which indicates a shared commercial promotion of two or more developments as components of a single development and is designed to encourage sales or leases of property.

ADDENDUM "B"

Summit County
Snyderville Basin Development Code
Administrative Guidelines
Resolution 93-1

**SUMMIT COUNTY
SNYDERVILLE BASIN DEVELOPMENT CODE
ADMINISTRATIVE GUIDELINES
RESOLUTION 93-1**

**Passed and Adopted
by the Board of County Commissioners
January 12, 1993**

**Amended Resolution 93-18 Passed and Adopted October 18, 1993
Resolution amending Section 4.9, processing fees of development
applications.**

**Amended Resolution 94-03 Passed and Adopted January 24, 1994
Resolution amending Section 4.9, engineering fees of development
applications.**

Revised: February 3, 1994

SUMMIT COUNTY
SNYDERVILLE BASIN DEVELOPMENT CODE ADMINISTRATIVE GUIDELINES

RESOLUTION NO. 93-1

WHEREAS, Section 4.2 of the Snyderville Basin Development Code, Ordinance No. 204, provides for a general procedure to initiate applications for development approval as specified in Administrative Guidelines to be adopted by the Board of County Commissioners of Summit County; and,

WHEREAS, these Snyderville Basin Development Code Administrative Guidelines of Summit County, Utah, are established for the purpose of assisting county staff and applicants in the administration and implementation of the Snyderville Basin Development Code; and,

WHEREAS, it is in the best interests of Summit County and the health, safety and general welfare of its citizens to adopt these Administrative Guidelines in order to implement the provisions of the Snyderville Basin General Plan and the Snyderville Basin Development Code;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Summit County, State of Utah, as follows:

Section 1. These Snyderville Basin Development Code Administrative Guidelines, Resolution No. 93-1, are hereby approved and adopted for the purpose of assisting county staff and applicants in the administration and implementation of the Snyderville Basin General Plan and the Snyderville Basin Development Code.

Section 2. This resolution shall take effect immediately upon its adoption.

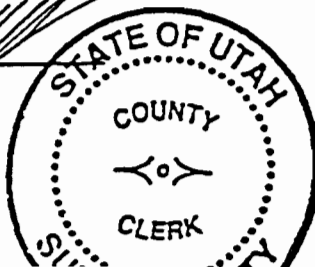
PASSED AND ADOPTED this 12th day of January, 1993.

SUMMIT COUNTY, UTAH

by [Signature]
Chairman, Board of County Commissioners

ATTEST:

[Signature]
County Clerk
SUMMIT COUNTY, UTAH



0084

**Summit County
Snyderville Basin Development Code Administrative Guidelines
Resolution No. 93-1**

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1.1 TITLE

These "Snyderville Basin Development Code Administrative Guidelines of Summit County, Utah" shall be known as the "Administrative Guidelines."

2. PURPOSE

The purpose of the Administrative Guidelines is to assist County staff and applicants in the administration and implementation of the Code. Except as provided in Section 4.9 and 16.2 herein, the provisions of these Administrative Guidelines shall not be considered binding on the County, shall not provide any right of action for mandamus, and shall not supersede any contrary provision of the Snyderville Basin Development Code.

3. DEFINITIONS

3.1 Generally. The words or phrases used herein shall have the meaning prescribed in the Snyderville Basin Development Code, as amended, except as otherwise indicated herein.

3.2 Words and Phrases Defined.

3.2.1 "Code" means and refers to the Snyderville Basin Development Code, as amended.

3.2.2 "Director" means the Director of Community Development or his duly authorized representative.

3.2.3 "Major Application" means and refers to an application for approval of a site plan, subdivision plat or conditional use.

3.2.4 "Minor Application" means and refers to an application for approval of a minor permit.

3.2.5 "Sufficient" means and refers to the submission of all information required by Chapter 7 of the Code and any forms promulgated by the Director pursuant to Section 7.1 of the Code applicable to the permit subject to review provided, however, that a determination of sufficiency shall not constitute a determination as to the completeness of an application for compliance with this Code.

4. GENERAL PROCEDURE

4.1 Submission. The applicant shall initiate the development review process by submitting an application consistent with Chapter 7 of the Code to the Director.

4.2 Standardized Forms. Requests for development permits shall be made on

applications provided by the County as provided in Chapter 7 of the Code. The Department may promulgate submittal requirements, instructions for completing forms and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications.

- 4.3 Whenever this Section establishes a time period for processing of an application by the County, such time period shall not commence until the Director has reviewed such application for sufficiency to determine whether the application has been properly submitted and the applicant has corrected all deficiencies in such application. Review for sufficiency of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing. The Director's determination shall not establish the official policy of the County relative to whether or not sufficient information has been filed so as to demonstrate that the project complies with Codes in effect on the date said application was filed.

4.4 Time Limits.

4.4.1 Generally.

- 4.4.1.1 The Director should review applications or submit all notifications for the purposes set forth in the Code within the time periods prescribed herein provided, however, that the Director may extend such time periods for reasonable period of time by notifying the Applicant. Such notification should indicate the reason for the extension, the additional period of time needed for review, and the purpose for which the application review will be conducted.

- 4.4.1.2 The Commission and BCC should take final action on all applications for the purposes set forth in the Code within the time periods prescribed herein; provided, however, that said time limits are directory only and only the mandatory provisions of state statutes shall govern processing including, but not limited to, the current time periods for providing notice of a general plan amendment, Utah Code §§ 17-27-303(1)(b) and 17-27-303(3)(b); providing notice of the adoption or amendment of a zoning ordinance, Utah Code § 17-27-402(2)(b); providing notice of the adoption of a subdivision ordinance, Utah Code §§ 17-27-802(1)(c) and 17-27-802(2)(b); filing a petition challenging a decision of the BOA, Utah Code § 17-27-708 (1); holding a public hearing on a petition to vacate or change subdivision plat, Utah Code § 17-27-808(1)(a); considering a petition for vacation or change of a subdivision

plat, Utah Code § 17-27-810(1)(a); and appealing a decision pursuant to the County Land Use Development and Management Act, Utah Code § 17-27-1001(2). For purposes of this subsection, "final action" shall be deemed to have been taken when a vote has been taken pertaining to the approval, conditional approval or denial of an application for development approval or permit.

4.4.2 The Applicant may, by written agreement approved by the reviewing agency or official, agree to an extension of such time limit for any additional period of time.

4.4.3 All actions pertaining to applications for development approval should be accomplished within the time periods prescribed below unless such time period is extended pursuant to Section 4.4.1.1 or 4.4.2:

| (A) PERMIT | Director | | (D) Commission | (E) BCC | (F) BOA |
|---|--------------------|---------------|-------------------|---------------|------------|
| | (B) SUFFICIENCY | (C) REPORT | | | |
| Sketch Plan | 10 days | 10 days | n/a | n/a | n/a |
| Minor application | 10 days | 10 days | n/a | 10 days | n/a |
| Major application | 14 days | 14 days | 30 days | 30 days | n/a |
| Specific Plans & Master Preliminary Plans | 30 days | 30 days | 60 days | 60 days | n/a |
| Development Agreements | 14 days | 14 days | n/a | no time limit | n/a |
| Rezoning (map amendment) | 30 days | 30 days | 30 days | 60 days | n/a |
| General Plan amendment | 30 days | 30 days | 30 days | 60 days | n/a |
| Interpretation of lot lines; nonconforming uses | 14 days | 14 days | n/a | 30 days | n/a |
| Variance | 14 days | 14 days | n/a | n/a | 30 days |
| Building Permit, use by right | 10 days | 10 days | n/a | n/a | n/a |
| Appeal to BOA | n/a | n/a | n/a | n/a | 30 days |

4.4.4 The time periods established in the Table set forth in Section 4.4.3 shall run as follows:

Column (A) The sequence for filing application for review is set forth in the specific provisions of the Code or these Administrative Regulations governing the permit under consideration:

1. Applications for a variance, interpretation of lot lines, development agreement, rezoning or general plan amendment may be filed at any point in the development approval process provided, however, that no minor application, major application, Specific Plan, Master Preliminary Plan, Development Agreement or Building Permit may be approved if they are inconsistent with the standards set forth in the Code or the General Plan then in existence.
2. A preapplication conference must be conducted and, if required by the Director, a sketch plan must be submitted, prior to filing an application for a minor permit or a major permit (preliminary subdivision or site plan application).
3. A minor application or major application (final site plan or subdivision plat) must be approved prior to filing an application for a building permit.
4. Applications for a Master Preliminary Plan or Specific Plan may be processed concurrent with an application for a major permit, but the Master Preliminary Plan cannot be filed after the sketch plan approval. See Sections 9.1, 9.2.1, and 10.2.2 herein.

Column (B) The time period for review of an application for sufficiency shall commence upon the filing of an application for development approval.

Column (C) The time period for the filing of a report by the Director with the Commission or the BCC, as specified in the provisions governing the particular development permit under review, shall commence upon the completion of sufficiency review.

Column (D) The time period for final action by the Commission, as set forth Section 4.4.1.2 herein, shall commence on the date of the meeting of the Commission at which the public meeting or hearing on approval of an application, including any adjourned date thereof, is closed.

Column (E) After referral of an action on an application with a recommendation, where required, by the Commission, the time period for final action by the BCC, as set forth in Section 4.4.1.2 herein, shall commence on the date of the meeting of the BCC at which the public meeting or hearing on approval of an application, including any adjourned date thereof, is closed.

Column (F) The time period for final action by the BOA, after the filing of an application for a variance or appeal, shall commence on the date of the meeting of the BOA at which the public meeting or hearing on approval of an application, including any adjourned date thereof, is closed.

4.5 Planning Commission Review. Any application for Commission review where specified herein shall be submitted to the Director not less than thirty (30) days prior to the regularly scheduled meeting of the Commission at which such application is considered, provided, however, that nothing in this Section shall mandate or preclude review by the Commission except as provided in the specific provisions of the Code or these Administrative Guidelines governing the particular application for approval.

4.6 Action by BCC.

4.6.1 The following decisions may be appealed to the BCC in accordance with the procedures set forth herein:

4.6.1.1 All decisions of the Director pertaining to the sufficiency of an application for review as provided herein provided, however, that the disposition of such appeal shall not constitute a determination as to the completeness of an application for compliance with this Code; and

4.6.1.2 any decision pertaining to compliance of an application with the substantive provisions of the Code or the General Plan, including but not limited to a building permit, that is not reviewed by the BCC as part of the

normal approval process, excluding matters which are reserved by the Utah Code to the exclusive jurisdiction of another board or agency.

4.6.2 Appeals shall be placed on the regular agenda of the BCC for action at a regularly scheduled meeting of the BCC. The Director shall indicate the purpose for which review is requested. The Applicant shall be notified of the date, time and place that the item will appear on the BCC's agenda at least seven (7) working days in advance of such date.

4.6.3 All persons requesting a hearing before the BCC with regard to any matter or issue under the Code including, but not limited to, a recommendation of the Commission, shall submit a request in writing to the Director in a form prescribed by the Director.

4.7 Notice.

Whenever a public hearing is required by the Code or these regulations, the required notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property.

4.8 Public Hearings Procedures.

4.8.1 Setting of the Hearing. When the Director determines that an application is sufficient and that a public hearing is required by the Code, he should consult with the body required to conduct the hearing, select a place and a time certain for the required hearing, and cause notice of such hearing to be accomplished as may be required by applicable law.

4.8.2 Examination of and Copying of Documents. During regular business hours, any person may examine the application and materials submitted in support of or in opposition to an application upon reasonable notice to the Director. Copies of such material shall be made available at cost as specified by the Director.

4.8.3 Conduct of Hearing.

4.8.3.1 Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his name, address, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record.

- 4.8.3.2 The body conducting the hearing should endeavor to expedite the hearing by requesting persons to shorten testimony or evidence that if finds to be irrelevant, immaterial or unduly repetitious. Any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chairman of the body conducting the hearing.
- 4.8.4 Record of Proceedings.
- 4.8.4.1 The body conducting the hearing should record the proceedings by any appropriate means and such record should be transcribed at the request of any person upon application to the body conducting the hearing and payment of a fee set by the Director to cover the cost of transcription or duplication of the audio record or tape.
- 4.8.4.2 The transcript or audio tape of all proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted and any proceeding before the body, all staff and advisory body or commission reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.
- 4.8.5 Continuance of Proceedings. The body conducting the hearing may, on its own motion, or on motion at the request of any person, continue the hearing to a fixed date, time and place. If the hearing is continued to a fixed date, time and place, no other application for notice shall be required if a hearing is continued. All other continuances shall be granted at the discretion of the body conducting the hearing.
- 4.8.6 Additional Rules. All matters pertaining to the public hearing shall be governed by other provisions of the Code applicable to the body conducting the hearing and its adopted rules or procedures. The body conducting the hearing may adopt rules of procedure to limit the number of applications for development approval which may be considered per meeting and the time for each presentation.
- 4.8.7 Hearing Procedures. The Commission and BCC should generally follow *Roberts Rules of Order* in the conduct of hearings pursuant to the Code, provided that a different rule may be established by the

Commission or BCC.

4.9 Processing Fees.

4.9.1 No application for development approval shall be accepted until the applicant has paid all processing fees as set forth below. Fees paid shall be non-refundable.

4.9.2 The fee amount shall equal the sum of the fee amounts for project review costs and notification as follows:

4.9.2.1 Project review costs shall not exceed the amount needed to recover the cost of review, which shall be established as follows:

| Type of Application | CLASSIFICATION | | | |
|---|---|--|--|--|
| | RESIDENTIAL | COMMERCIAL | INDUSTRIAL | INSTITUTIONAL |
| Application for Vested Rights Determination | \$100 per lot or unit | \$200 per acre or \$250 per 1,000 square feet* | \$125 per acre or \$125 per 1,000 square feet* | \$75 per acre or \$75 per 1,000 square feet* |
| Sketch Plan/ Preapplication Conference | \$10 per lot or unit | \$40 per acre or 1,000 square feet* | | |
| Preliminary Plat | \$90 per lot or unit | not applicable | | |
| Final Plat | \$60 per lot or unit | not applicable | | |
| Preliminary Site Plan | \$95 per parcel or unit | \$250 per acre or 1,000 square feet* | \$250 per acre or 1,000 square feet* | \$250 per acre or 1,000 square feet* |
| Final Site Plan | \$65 per parcel or unit | \$150 per acre or 1,000 square feet* | \$150 per acre or 1,000 square feet* | \$150 per acre or 1,000 square feet* |
| Conditional Use Permit | \$55 per lot or unit | \$200 per acre or 1,000 square feet* | \$200 per acre or 1,000 square feet* | \$200 per acre or 1,000 square feet* |
| Minor Permit | \$100 per lot or unit | \$250 per acre or 1,000 square feet* | | |
| Rezoning or General Plan Map Amendment** | \$25 per lot or unit | \$150 per acre or 1,000 square feet* | | |
| Specific Plan | \$50 per lot or unit | \$150 per acre or 1,000 square feet* | \$150 per acre or 1,000 square feet* | \$150 per acre or 1,000 square feet* |
| Master Preliminary Plan | \$75 per unit | \$150 per acre or 1,000 square feet* | \$100 per acre or 1,000 square feet* | \$100 per acre or 1,000 square feet* |
| General Plan Amendment (Text only)** | Minimum of \$500 per application provided, however, that the BCC shall have the discretion to increase the fee amount based upon a report of the Director identifying the anticipated costs of review | | | |
| Variances and Appeals | \$150 per application | | | |

| Type of Application | CLASSIFICATION | | | |
|---|--|------------|------------|---------------|
| | RESIDENTIAL | COMMERCIAL | INDUSTRIAL | INSTITUTIONAL |
| Zoning District/Land Use Category Boundary Interpretation | \$150 per application | | | |
| Building Permit | As determined by the Uniform Building Code | | | |
| Certificate of Occupancy | | | | |
| * Whichever is greater. ** Reference is to land use category or zoning classification to which reclassification is being requested. | | | | |

ENGINEERING REVIEW FEES

| APPLICATION Description | CLASSIFICATION | | | |
|----------------------------|----------------------------------|---|---|--|
| | Residential (per Lot or Unit) | Commercial (per Acre or 1000 Sq Ft*) | Industrial (per Acre or 1000 Sq Ft*) | Institutional (per Acre or 1000 Sq Ft*) |
| Sketch Plan/Pre App Conf. | \$5.00 | \$5.00 | \$5.00 | \$5.00 |
| Preliminary Site Plan | \$45.00 | \$45.00 | \$45.00 | \$45.00 |
| Final Site Plan | \$40.00 | \$40.00 | \$40.00 | \$40.00 |
| Preliminary Plat | \$40.00 | N/A | N/A | N/A |
| Final Plat | \$25.00 | N/A | N/A | N/A |
| Specific Plan | \$10.00 | \$10.00 | \$10.00 | \$10.00 |
| Construction Drawings | \$10.00 | \$10.00 | \$10.00 | \$10.00 |
| Construction Inspection | ** | ** | ** | ** |
| Minor Permit | \$50 | \$50.00 | \$50.00 | \$50.00 |

*Whichever is the greater.

**Construction Inspection Fees will be based on 1.5% of Estimated (Escrowed) Construction Cost.

4.9.3 The applicant shall, in addition to the payment of the above stated fees, pay notification costs, which shall be computed as follows:

4.9.3.1 \$3.50 per property owner within 1,000 feet of the proposed development; and

4.9.3.2 \$40.00 per newspaper notice.

4.9.4 The applicant may apply to the BCC for a credit against a fee previously paid in the event that a portion of the costs of review and processing is duplicative, pursuant to the standards of applicable case law or statutes then in effect.

5. GENERAL PLAN AMENDMENTS AND REZONINGS

5.1 For amendments to the General Plan Land Use Map, reasonable notice shall be mailed to all property owners within one thousand (1,000) feet of the area affected by the proposed amendment. The Commission may recommend approval of a General Plan amendment only upon the affirmative vote of a majority of the total membership of the Commission.

5.2 Unless otherwise directed by the BCC, amendments to the General Plan should not be made more than twice during any calendar year.

6. SKETCH PLAN

6.1 Pre-Application Conference. Before filing an application, the applicant shall schedule an appointment and meet with the Director to discuss the procedure for approval and compliance with the standards of Chapter 5 of the Code. The Director may also advise the applicant, when appropriate, to discuss the application with those officials who must eventually approve those aspects of the application coming within their jurisdiction and to prepare a sketch plan. Issues which may be discussed at the preapplication conference include, but are not limited to, the following:

6.1.1 the general nature of the proposed development, including, if applicable, proposed land uses and their densities; proposed placement of buildings, structures, and other improvements; character and location of common open space or treatment of public uses; preservation of natural features; protection of environmentally sensitive areas; proposed off-street parking and internal traffic circulation; and total ground coverage of paved areas and structures.

6.1.2 For the initial phase and, if applicable, those areas of the application not included within the initial development phase, the applicant shall describe the proximity of the initial development phase and the total development to adjacent land uses; proposed buffering, landscaping, and

screening for the entire project from adjacent properties and inconsistent land uses; proposed methods for the mitigation of the impact of the development on public facilities and services; and proposed access and financial arrangements to ensure the construction of on-site infrastructure.

6.2 Major Applications. At least fourteen (14) working days prior to filing a sketch plan for a major application with the Director, the Director may require the applicant to notify all affected persons and organizations that a sketch plan will be filed for the subject property and to make a presentation to such group or persons if the latter make a request to the Director to arrange such a meeting. Any such notice shall include a brief description of the proposed development and shall contain a statement that the sketch plan will be available at the offices of the Department of Community Development for public inspection. All aggrieved persons shall be entitled to submit written comments pertaining to the sketch plan.

6.3 The Director or the Applicant may appeal a dispute as to the procedure for approval or the applicability of any standard set forth in Chapter 5 of the Code to the BCC in accordance with Section 4.6 herein.

7. PROCESSING APPLICATIONS FOR SITE PLAN OR SUBDIVISION PLAT APPROVAL

7.1 Submission. An application for site plan or subdivision approval shall be submitted to the Director. If a proposed development is required to obtain both subdivision and site plan review, the applications for subdivision and site plan review, in the exercise of the Director's discretion, may be processed concurrently.

7.2 Preliminary Site Plan or Subdivision Applications.

7.2.1 Applicants shall not apply for preliminary site plan or subdivision approval until the Director or BCC has reviewed any sketch plan required for the proposed development at a preapplication conference.

7.2.2 After the completion of a report and recommendation to the Commission, the Director shall schedule a hearing on the application before the Commission. The Commission shall conduct the hearing and submit its recommendation of the BCC. Within five (5) days after the recommendation of the Commission has been rendered, the Director should place the application and recommendation of the Commission on the next available regular agenda of the BCC. After receiving the recommendation of the Commission, the BCC shall consider the application at a public hearing and shall render its decision to approve, deny or conditionally approve the application. One (1) copy of the preliminary site plan and subdivision plat shall be returned to the

applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the application.

7.3 Final major permit.

7.3.1 Following the approval of the preliminary site plan or subdivision plat the applicant shall file with the Director an application for final approval. The application for a final site plan or subdivision plat shall conform to the approved preliminary site plan or subdivision plat and any conditions attached thereto.

7.3.2 The Director shall submit the final application, any proposed revisions or amendments submitted thereto by the applicant responding to the conditions attached to the preliminary application, and any report to the BCC. The application may be placed on the consent agenda of the BCC. After the BCC has reviewed the application, the report of the Director, any recommendations and testimony and exhibits submitted at the public hearing, the applicant may be advised of any required changes and/or additions. The BCC should approve, approve with conditions, or disapprove the final application, and one (1) copy of the proposed final site plan or subdivision plat should be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the application.

7.3.3 The Director may notify the applicant if the final application is not consistent with the preliminary application. If the final application for any phase of a preliminary application is not consistent with the preliminary application the applicant may:

7.3.3.1 refile the final application in a form which is in substantial compliance with the preliminary application; or

7.3.3.2 obtain an approval of such substantial deviation by: (1) applying for an amendment to the preliminary site plan or subdivision plat, in which case the procedure for amendment of the preliminary site plan or subdivision plat shall be the same as for approval thereof, (2) in the case of a phased major permit application, amending the master preliminary plan, and in the case of a development of county impact, amending the Specific Plan; or

7.3.3.3 appeal the Director's determination to the BCC.

7.3.4 Submission and Review. Subsequent to the resolution of the BCC, at least three (3) paper copies of the construction plans, and one (1)

copy of the original of the application on tracing cloth, and/or reproduction mylar, and two (2) copies of the application on sepia paper and at applicant's cost two (2) copies of the application on paper shall be submitted to the Director for final review. The BCC may withhold final approval until a review has indicated that all requirements of the Code and these guidelines have been met.

7.3.5 Signing and Recordation of Final Site Plan or Subdivision Plat.

7.3.5.1 Improvements.

7.3.5.1.1 When an improvement agreement and security are required, the Chairman of the BCC may endorse approval on the final application after the agreement and security have been approved by the BCC and all the conditions of the resolution pertaining to the final application have been satisfied.

7.3.5.1.2 When installation of improvements is required prior to recordation of the final application, the Chairman of the BCC may endorse approval on the final application after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There should be written evidence that the required public facilities have been installed in a manner satisfactory to the County has shown by a certificate signed by the County Engineer and County Attorney stating that the necessary dedication of public lands and improvements has been accomplished.

8. CONDITIONAL USE PERMITS

8.1 No conditional use shall be authorized, developed or otherwise carried out until the applicant has secured a final site plan approved by the BCC.

8.2 Review of conditional uses may occur concurrent with site plan review. After undertaking such review, the Commission and the BCC may approve the conditional use as submitted, approve the conditional use with such reasonable conditions as it may deem necessary to protect the character of the existing neighborhood and ensure the quality of the proposed development, or deny the proposed conditional use for reasons specified in writing and communicated to the applicant. If the proposed conditional use is approved or approved with conditions, such approval should be communicated to the Director in writing and any required conditions should be incorporated into the permit.

9. MASTER PRELIMINARY PLANS

- 9.1 An applicant may submit a Master Preliminary Plan prior to or concurrent with proposed site plan or subdivision application.
- 9.2 Procedure for Approval of a Master Preliminary Plan.
- 9.2.1 For Phased Subdivision Applications, the applicant shall present the Master preliminary plan and, if applicable, a proposed development agreement and/or an application for approval of a Specific Plan at the same time as the sketch plan.
- 9.2.2 Phasing. An application may be prepared and submitted for the entire development at one time or for individual development phases approved in a master preliminary plan. Prior to granting final approval of a site plan or subdivision plat, the BCC may permit the plat or site plan to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure orderly development of the plat or site plan. The BCC may require that the improvement agreement and security be in such amount as is commensurate with the section or sections of the plat or site plan to be filed, and may defer the remaining amount of the security until the remaining sections of the plat or site plan are offered for filing. The applicant may be required to file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and to defer filing offers of dedication for the remaining sections until those sections, subject to any conditions imposed by the BCC, are granted final approval.
- 9.2.3 Within two (2) years after the date of written approval or approval with conditions of the preliminary site plan or subdivision plat, the applicant shall prepare and submit to the Director the improvement plans for at least the first phase of the proposed development. Any subsequent phase shall be submitted in accordance with the schedule set forth in the applicable Master preliminary plan and, if applicable, a development agreement; provided, however, that notwithstanding any contrary provision in a Master Preliminary Plan or development agreement, a final site plan or subdivision plat shall be submitted no later than: (A) six (6) years following the approval with conditions of the preliminary application for any development with two (2) phases; and (B) ten (10) years for any preliminary application for development containing more than two (2) phases. An amendment to the preliminary site plan or subdivision plat, including the Master Preliminary Plan, shall be required in order to extend the life of a preliminary application for development beyond ten (10) years.
- 9.3 The completed improvement plans and final application for each phase of a project submitted pursuant to a Phased Subdivision or a Site Plan

Application (as defined in Section 2.2.81 of the Code) shall conform to the Master Preliminary Plan and, if applicable, the Specific Plan and/or Development Agreement for the proposed development.

- 9.4 A final subdivision or site plan application shall be submitted for a Phased Subdivision or Site Plan Application for any development phase following the initial development phase. The final application shall conform to and be consistent with the following: (1) the preliminary subdivision or site plan, including the Master Preliminary Plan; and (2) if applicable, the development agreement and/or Specific Plan applicable to the development phase for which such final subdivision plat has been submitted.

10. SPECIFIC PLANS

- 10.1 Submission. Any person may submit a petition to the Director requesting the approval of an area within the unincorporated county as appropriate for a Specific Plan.

- 10.2 Approval Procedure.

- 10.2.1 The Specific Plan may be adopted by following the same procedures for adoption of a General Plan pursuant to Section 17-27-303 of the Utah Code.
- 10.2.2 Public hearings for preliminary subdivision or site plan applications and development agreements may be consolidated with hearings pertaining to an application for approval of a Specific Plan.
- 10.2.3 Amendment of Specific Plan. The procedures for amendment of an of an adopted Specific Plan shall be as for the original adoption of the Specific Plan. Specific Plans shall not be amended more than two (2) times during any calendar year unless otherwise directed by the BCC.

11. DEVELOPMENT AGREEMENTS

- 11.1 Submission.

- 11.1.1 An application for a development agreement shall be made to the Director in accordance with the procedures set forth herein. If the development proposed pursuant to Development Agreement contemplates the approval of another legislative action or development permit, the development agreement shall comply with Code and Guidelines requirements and shall be processed concurrently with application for such legislative action or

development permit.

- 11.1.2 Application may be made by any person having a legal or equitable interest in the subject real property. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest.
- 11.1.3 Contents of the Application. The application shall be on a form prescribed by the Director and shall be accompanied by a proposed ordinance and development agreement.
- 11.1.4 Contents of Development Agreement. The development agreement shall include, at minimum, provisions pertaining to the following:
 - 11.1.4.1 The land which is the subject of the agreement;
 - 11.1.4.2 The duration of the agreement;
 - 11.1.4.3 The permitted land use(s) and density/intensity for the proposed development project and any conditions attached thereto;
 - 11.1.4.4 The maximum height and size of the proposed buildings; and
 - 11.1.4.5 Any provisions for the dedication of any portion of the land for public use.
 - 11.1.4.6 A schedule of phasing for the proposed development project in accordance with the provision of public facilities required to accommodate the impacts of the proposed development project on such facilities at the County's adopted level of service standards;
 - 11.1.4.7 The identification of public facilities to be dedicated, constructed or financed by the developer pursuant to the development agreement and the designation of such facilities as project improvements, system improvements or subsystem improvements;
 - 11.1.4.8 The amount of impact fees for each type of public facility to be paid by the development project; and
 - 11.1.4.9 The rules, regulations, ordinances, laws, plans and official

policies of the County governing development applicable to the subject property.

11.2 Approval Procedure.

- 11.2.1** Following a determination that the Application is sufficient, the Director shall review the Application and prepare a report to the BCC containing his recommendation for approval, conditional approval or disapproval of the development agreement.
- 11.2.2** The Director shall submit the proposed development agreement and development agreement ordinance to the BCC for its consideration. The BCC shall consider and approve, revise and adopt as revised, or deny the development agreement and development and development agreement ordinance in accordance with the procedures set forth in § 4.8 herein.
- 11.2.3** **Limitation on Liability.** The Development Agreement shall contain a clause that any breach of the Development Agreement by the County shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the United States Constitution or similar Utah constitutional provisions.
- 11.2.4** **Developer's Compliance.** The Development Agreement shall include a clause that the government's duties under the Agreement are expressly conditioned upon the applicant's substantial compliance with each and every term, condition, provision and covenant of the Agreement, all applicable federal, state and local laws and regulations, and its obligations under the subdivision improvement agreement.
- 11.2.5** **Recordation.** The Development Agreement shall be recorded in the Office of the Summit County recorder.
- 11.2.6** **Incorporation as Matter of Law.** All clauses, covenants and provisos required by the Code to be included in a Development Agreement shall be incorporated into the Development Agreement as a matter of law without respect to the intent of the parties.
- 11.2.7** **Vested Rights.** A development agreement may contain specific provisions regarding rights vested by the agreement; provided, however, that vested rights shall include only those provisions of the agreement pertaining to use, density (or intensity), and the general configuration of development. Such vested rights

shall be subject to change by reason of any compelling, countervailing public interest or to changes in state or federal law.

12. BUILDING PERMITS

12.1 Submission. An application for a building permit shall be submitted to the Director on the form provided by the County and shall be accompanied by the required processing fee. The application shall be accompanied by such documents, plans, maps or other information as the building inspector may request, including but not limited to evidence that all requested development permits have been finally approved by the appropriate decision maker and that all conditions imposed at the time of such approval have been satisfied. Upon receipt of an application for a building permit, the building inspector shall examine the application and ascertain the exact location of the property on which the development will occur. The building official shall obtain a written statement of the street address of the property or, if no street address exists, a property description in writing, before issuing a building permit.

12.2 Approval Procedure

12.2.1 Development permit required. Any applicant for a building permit shall submit a minor permit or an approved final site plan, final subdivision plat, and, if applicable, a conditional use permit, master preliminary plat, specific plan or development agreement prior to the issuance of a building permit. The permittee shall proceed only in accordance with the approved development permit and any approved conditions, and shall agree by recorded document to convey no portion of the parcel without first obtaining final approval in accordance with the provisions of the Code.

12.2.2 Posting of building permit. A copy of the building permit shall be posted in a conspicuous place on the premises, out of the weather, and visible throughout the construction period until completion of all work authorized by the building permit.

12.3 Expiration and extension of building permit.

12.3.1 A building permit shall automatically expire and become null and void if work authorized by such permit is not substantially commenced within six (6) months from the effective date of the permit, or if such work, when commenced, is suspended or abandoned at any time for a period of six (6) months.

12.3.2 Notwithstanding the provision of Section 12.3.1, if the work

covered by the building permit has not commenced or has commenced and been suspended or abandoned, the building inspector may extend such permit for a period of six (6) months from the date extension is granted, provided an application for an extension is submitted prior to the expiration date of the initial permit, upon a showing by applicant that circumstances beyond the control of the applicant have prevented commencement. A new processing fee shall be submitted with a request for such extension.

12.3.3 If the work covered by the permit has commenced, is in progress, but has not been completed and, in the opinion of the building inspector and the Director, is being carried out progressively in a substantial manner, the permit shall remain in effect until completion of the job, except as otherwise provided in this section.

12.3.4 Where construction authorized by a permit has not progressed beyond the foundation state in a period of three (3) years or more, an additional processing fee must be paid for a complete new inspection, which inspection shall ensure compliance with codes currently in effect. Any foundation which has weathered through two (2) or more winters without any structure build on it to give protection shall have an inspection by a structural engineer licensed by the State of Utah, who shall certify that the foundation is structurally sufficient to carry the load to be imposed on it, or certify specifications necessary for repair which may be required to bring it to an acceptable condition where it will adequately support the structure to be built upon it.

12.3.5 If work has commenced and the permit becomes null and void or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work under regulations in effect at the time the new building permit is issued. If a new building permit is not obtained within ninety (90) days from the date the initial permit became null and void, the building inspector shall require that any work which has been commenced or completed be removed from the building site, or he may issue a new building permit, on application, providing that the work in place and the work required to complete the structure meets all applicable regulations in effect at the time of the issuance of the new building permit.

12.3.6 Work shall be considered to have commenced and be in active progress when, in the opinion of the building inspector, a full

complement of workers and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting. This provision shall not apply in case of civil commotion or strike or when the building work is halted due to legal action.

13. CERTIFICATES OF OCCUPANCY

- 13.1 Submission.** An application for a building permit or certificate of occupancy shall be submitted to the building inspector in the form provided by the County and shall be accompanied by the processing fee established pursuant to § 4 herein.
- 13.2 Approval Procedure.** The building inspector shall review the application and inspect the subject premises. The building inspector shall notify the applicant of his determination.

14. VESTED RIGHTS AND TRANSITION FROM TEMPORARY ZONING REGULATION ORDINANCE NO. 201 TZRO ADMINISTRATIVE REGULATIONS, ORDINANCE NO. 202

14.1 General Provisions.

14.1.1 Applications, When required. When any person claims that said person has been deprived of vested rights, or has been subject to a taking of property without just compensation, or asserts other constitutional invalidity by the passage or application of the provisions of the Code or of these Administrative Guidelines, or changes thereto, said person shall obtain a final and authoritative determination regarding the application of such regulations, by filing the application required by Section 14.2 hereof.

14.1.2 Monitoring.

14.1.2.1 The Director shall be responsible for monitoring and maintaining records of the following for purposes of administering the provisions of this Chapter:

14.1.2.1.1 Applications for Vested Rights Determinations

14.1.2.1.2 Vested Rights Determinations

14.1.2.1.3 Consent Agreements

14.1.2.2. Monitoring shall include:

14.1.2.2.1 the name and location of the project;

14.1.2.2.2 the date of application filing;

14.1.2.2.3 the type of application submitted;

14.1.2.2.3.1 the disposition of the application; and

14.1.2.2.3.2 the reason for the disposition.

14.1.3 Fees for Processing.

14.1.3.1 No application shall be processed pursuant to this Chapter unless the Applicant has first or contemporaneously paid the applicable processing fee as set forth in Section 4.9 herein.

14.1.3.2 Application fees shall be due and payable as follows:

14.1.3.2.1 An amount equal to \$1,000 or the total fee amount per lot, acre or 1,000 square feet calculated pursuant to Section 4.9.2.1, whichever is less, shall be due and payable upon the filing of an application for a vested rights determination and, if applicable, a consent agreement.

14.1.3.2.2 The balance shall be due and payable prior to the public hearing pertaining to the vested rights determination or consent agreement, whichever comes first, provided, however, that the applicant shall pay all costs excluding staff time prior to such hearing, and provided further that such costs shall be credited against the total fee amount due and payable.

14.2 Procedure for Approval. Applications for a vested rights determination shall be submitted to the Director and processed in accordance with the provisions set forth herein.

14.2.1 No application for a vested rights determination shall be issued by the Director unless a recommendation has been made by the Commission, and such application has been approved by the BCC. No application for a vested rights determination shall be approved unless a public hearing has been conducted by the BCC

- consistent with the procedures set forth Sections 4.6.3 and 4.8 herein. The BCC may, at its discretion, combine a public hearing pertaining to a vested rights determination with a hearing pertaining to a consent agreement.
- 14.2.2 Reconsideration/Revocation of Vested Rights Determinations. A vested rights determination and any associated application, development approval or permit may be reconsidered and revoked by the BCC notwithstanding any other provision of the Code if it is determined that the application, decision, or permit was based on materially inaccurate or incomplete information.
- 14.2.3 Appeals. After the applicant has received approval or disapproval of a determination of vested rights, an appeal from the decision of the BCC shall be made by any aggrieved person to the district court of Summit County within thirty (30) days of such decision.
- 14.2.4 The request for a vested rights determination shall be filed within thirty (30) days of the effective date of any amendment to the Code or the alleged vested right shall be deemed abandoned.
- 14.2.5 Any applicant claiming entitlement to development approval on the basis of applicable law shall be considered and processed as an Application for a Vested Rights Determination.
- 14.2.6 Any Applicant for a Vested Rights Determination may be approved subject to compliance with a Consent Agreement.
- 14.2.6.1 A consent agreement may be approved only if an application for a Vested Rights Determination has been filed, and shall be processed in the same fashion as an application for a Vested Rights Determination. No application for a consent agreement shall be approved unless a public hearing has been conducted by the BCC consistent with the procedures set forth Sections 4.6.3 and 4.8 herein.
- 14.2.6.2 In addition to the required processing as set forth above, an Application for a Consent Agreement shall include, but shall not be limited to the following: a timing and phasing plan for the proposed development; a plan for the provision of public facilities and services to the proposed development, by phase; the conditions under which the proposed development will be authorized to proceed; and the conditions under which approvals or permits will lapse or may be revoked.

14.2.6.3 Consent Agreements shall include all of the following terms and conditions:

- 14.2.6.3.1 A legal description of the subject property and the names of the legal and equitable owners;**
- 14.2.6.3.2 The duration of the Consent Agreement and the conditions that will result in revocation;**
- 14.2.6.3.3 The uses permitted on the property, including population densities and/or building intensities, floor area ratios, open space ratios, design guidelines, and bulk limitations;**
- 14.2.6.3.4 A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; a schedule to assure public facilities are available concurrent with the impacts of the development; and a determination of fees to be paid for such public facilities;**
- 14.2.6.3.5 A description of any preservation or dedication of land for public purposes;**
- 14.2.6.3.6 A description of all development approvals, permits, or other local or State approvals needed for the proposed development;**
- 14.2.6.3.7 A finding that the proposed development is consistent with the relevant provisions of the Snyderville Basin Development Code;**
- 14.2.6.3.8 A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;**
- 14.2.6.3.9 A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable County, state and federal laws;**
- 14.2.6.3.10 A phasing plan indicating the anticipated commencement and completion date of all phases of**

the proposed development; and

14.2.6.3.11 A statement that the County shall review progress pursuant to the Consent Agreement at least once every twelve (12) months to determine if there has been demonstrated compliance with the terms of the Consent Agreement. If the County finds, on the basis of substantial competent evidence, that there has been a failure to comply with terms of the consent agreement, the Consent Agreement and all underlying development permits may be revoked or modified by the County, after a public hearing which has been noticed by publication, and for which notice has been expressly provided to the Applicant.

14.2.6.3.12 Such other terms and conditions as are required for development agreements by § 11 herein.

14.3 Notwithstanding the foregoing or any other terms or conditions contained in the ordinances of Summit County, any application commenced by filing under the Temporary Zoning Regulation Ordinance (Ordinance No. 201, 1992) or the Temporary Zoning Regulation Ordinance Administrative Regulations (Ordinance No. 202, 1992) may continue to be processed pursuant to the provisions of those Ordinances.

15. MINOR PERMITS

15.1 Submission. An application for approval of a minor permit shall be commenced by filing a sketch plan with the Director.

15.2 Approval Procedure.

15.2.1 The applicant shall arrange a pre-application conference with the Director and shall provide a sketch plan in accordance with the provisions of § 6 hereto.

15.2.2 An application for a minor permit may be filed with the Director at any time during regular working hours within 120 days after the pre-application conference.

15.2.3 The Director may provide reasonable notice of the application by publication and posting of notice.

15.2.4 The Director should determine whether the application is sufficient and in compliance with the provisions of the Code and the General Plan within the time limits prescribed in § 4

herein.

- 15.2.5 The Director shall approve, approve with conditions or deny the minor permit application and shall communicate his decision to the applicant. The Director may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal to the BCC pursuant to the provisions of § 4 herein.

16. RULES OF CONSTRUCTION

- 16.1 Except as provided in Section 4.9 and 16.2 herein, the provisions of these Administrative Guidelines shall not be considered binding on the County, shall not provide any right of action for mandamus, and shall not supersede any contrary provision of the Snyderville Basin Development Code.
- 16.2 The word "shall" is mandatory, while the words "should" or "may" are directory. Time limits and other provisions of the County Land Use Development and Management Act, Utah Code §§ 17-27-101 *et seq.*, shall also be considered mandatory. The failure to follow a mandatory provision may invalidate an otherwise valid governmental action or development permit. The failure to follow a directory provision shall not invalidate a governmental action or development permit.

17. INSTALLATION OF IMPROVEMENTS

- 17.1 Required Improvements. Application for subdivision or site plan approval shall include all of the following required improvements:
- 17.1.1 temporary and permanent, structural and nonstructural soil conservation measures, and revegetation plantings,
 - 17.1.2 temporary and permanent, structural and nonstructural runoff control measures,
 - 17.1.3 structural or nonstructural measures intended to mitigate soils or slope limitations or geologic or avalanche hazards,
 - 17.1.4 buffering, screening, and landscaping,
 - 17.1.5 utilities, including water and sewerage service,
 - 17.1.6 roads or road improvements, including school bus or oriented features and street identification and traffic control signs,
 - 17.1.7 curbing and gutters, if required by the BCC, and sidewalks,

- 17.1.8 trails and bike racks,
 - 17.1.9 parking and loading areas, and
 - 17.1.10 recreational facilities and/or other amenities represented by the applicant.
- 17.2 Installation. The installation of required improvements shall be at the applicant's expense.
- 17.3 Phasing. In large developments, improvements installation may be phased in accord with a plan submitted with the application for a permit and approved by the BCC. In subdivisions a separate final plat shall be filed on each phase of the development.
- 17.4 Financing. Installation of the improvements required in a development or development phase may be guaranteed by:
- 17.4.1 installation of all required and represented improvements prior to the filing of a final plat or to any occupancy or land sales in the development.
- or
- 17.4.2 establishment of an escrow account or 100% bond for the estimated cost of the improvements plus 20% with the guarantee that all improvements shall be installed within 2 years or the account or bond will be called by the County to complete the improvements. Acceptable escrow agent s shall be the Summit County Treasurers Office, or banks or savings institutions which are federally insured. This 2 year deadline may be extended by the County upon a showing of sufficient cause but no additional phase of the development shall be permitted to proceed during such an extension.
- 17.5 Warranty. All improvements shall be warranted by the applicant for one full year's normal operation. The County shall either retain ten (10) percent of the bond or escrow total, or require a bond or escrow equal to ten (10) percent of the required total improvement costs (in the case of installation of the required improvements prior to filing of the final plat) until twelve months from the date of completion of the improvements and acceptance thereof by the County as warranty should the improvements prove to be defective during said twelve month periods.
- 17.6 Maintenance. The maintenance of all required improvements shall be assigned to an appropriate public (such as Summit County or the Snyderville Basin Sewer Improvement District) or private (such as a homeowner's association)

entity in a dedication, contract, covenant or other agreement. Such agreement shall be accepted by the County Attorney as sufficient to assure perpetual maintenance of the improvements.

- 17.7 Revocation. Failure to properly install, warranty and maintain or provide for the maintenance of required improvements may result in the suspension or revocation of a development's permit or certificate of occupancy.